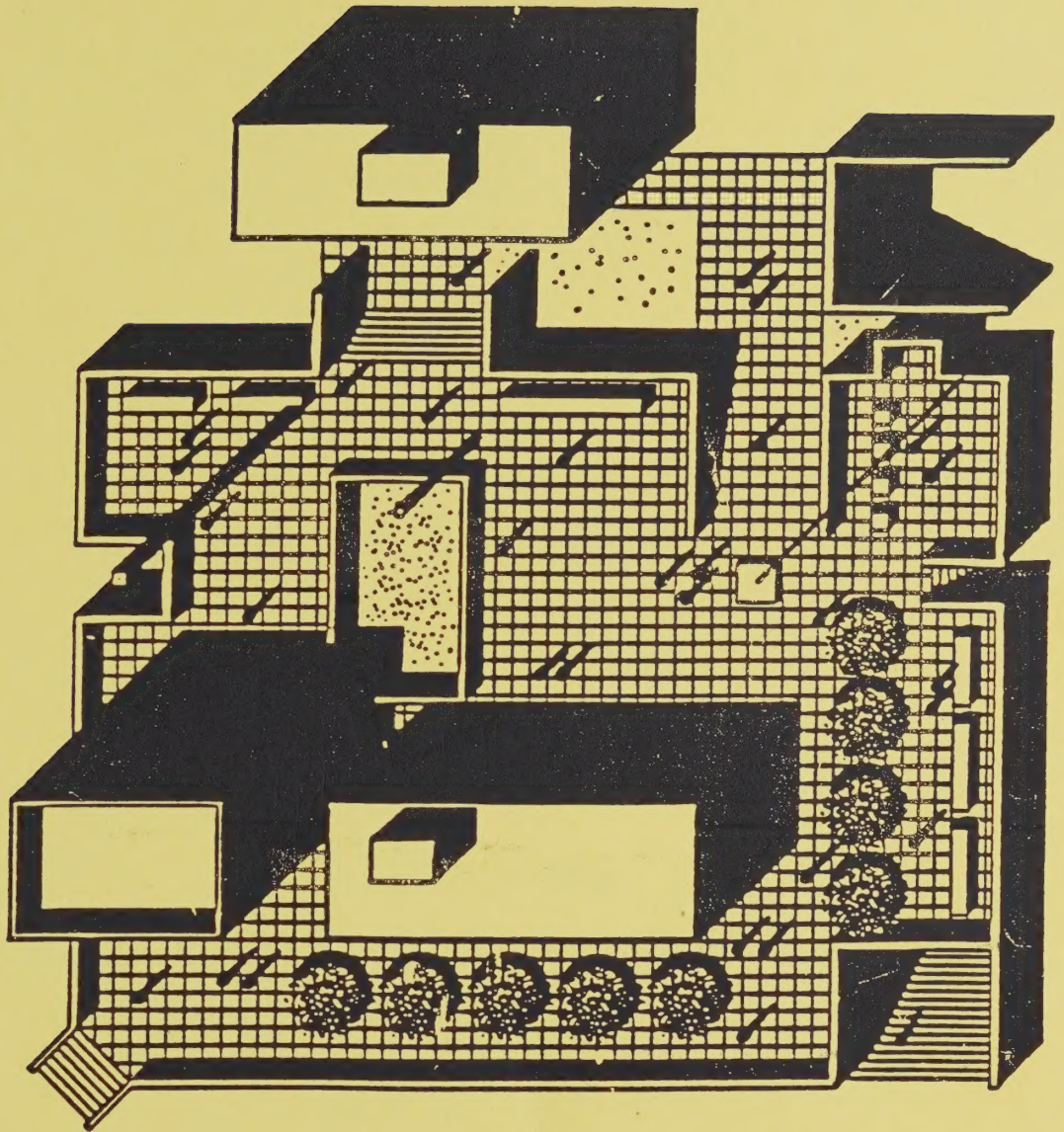


96 00157



CITY OF BUENA PARK, CALIFORNIA

ZONING ORDINANCE

Development Services Department
6650 Beach Blvd., Buena Park, California 90620
(714) 562-3613

April 1995

City
of
Buena Park

Zoning Ordinance

Adopted
as

Title 19
of the
Buena Park Municipal Code

on
July 19, 1993

by
Ordinance No. 1300



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Title 19
Buena Park Zoning Ordinance

List of Amendments

Text Amendment No.	Ordinance No.	Adoption Date	Description
94-1	1306	July 5, 1994	Amend fence review procedures and fence standards in RM zones (Division 4)
C-94-1	1315	November 28, 1994	Establish PD zone, with permitted uses, and other misc. revisions for compliance with General Plan
C-95-1	1318	April 3, 1995	Amend Division 9 regarding pennants and banners in commercial and industrial zones.

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Guest Park During Epidemic

List of Amendments

Amendment No.	Amendment Date	Description
2-1	July 8, 1934	Amended existing ordinance to provide for the use of the park during epidemics.
2-2	November 28, 1934	Established PD zone, with permanent use, and right to use, for the purpose of the park.
2-3	April 2, 1935	Amended Division 2 regarding permits and license in connection with the park.

ORDINANCE NO. 1329

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF BUENA PARK,
TEXT AMENDMENT NO. 96-1,
READOPTING AND RECODIFYING
TITLE 19 OF THE BUENA PARK CITY CODE
(ZONING ORDINANCE) IN ITS ENTIRETY AND
DECLARING THE URGENCY THEREOF.**

A. Recitals.

(i) On July 19, 1993, the City Council adopted Ordinance No. 1300, repealing the entirety of Title 19 of the Buena Park City Code and adopting thereby a new Zoning Ordinance to be codified as Title 19.

(ii) On July 5, 1994, the City Council adopted Ordinance No. 1306; on November 28, 1994, the City Council adopted Ordinance No. 1315; on March 20, 1995, the City Council adopted Ordinance No. 1318, each making certain revisions to the text of Title 19, as adopted by Ordinance No. 1300, as well as modifications to Ordinance No. 1206, pertaining to the Entertainment Corridor Specific Plan.

(iii) A review of the Zoning Ordinance reveals that, during the codification and publishing process required by law, various provisions thereof were renumbered in such fashion as to create confusion with regard to the proper enumeration thereof. In order to preclude an assertion that the Zoning Ordinance, as presently set forth in Title 19 of the Buena Park City Code, was not duly and validly adopted, as required by law, this City Council desires to readopt and recodify the entirety of the Zoning Ordinance, Title 19, as subsequently amended.

(iv) The Zoning Ordinance attached hereto as Exhibit "A" accurately sets forth the Zoning Ordinance intended for adoption by Ordinance No. 1300, as amended.

(v) All legal prerequisites to the adoption of this Ordinance have occurred.

B. Ordinance.

NOW, THEREFORE, the City Council of the City of Buena Park does ordain as follows:

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Section 1. The City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Ordinance are true and correct.

Section 2. Title 19 of the Buena Park City Code, as set forth in Exhibit "A", attached hereto and by this reference incorporated herein, hereby is readopted and recodified, in its entirety.

Section 3. The provisions of Title 19 of the Buena Park City Code as adopted by Ordinance No. 1300, as amended, hereby are superseded as of the effective date of this Ordinance.

Section 4. The provisions of Title 19 of the Buena Park City Code as set forth in Exhibit "A" hereto, insofar as they are substantially the same as the provisions of Ordinance No. 1300, as amended, shall be continued as restatements and continuations thereof and not as new enactments.

Section 5. Neither the adoption of Title 19 of the Buena Park City Code as set forth in Exhibit "A" nor the repeal hereby of Ordinance No. 1300, as amended, shall in any manner affect the prosecution for violation of any ordinance, which violation was committed prior to the effective date hereof, nor shall the same be construed as a waiver of any permit, license fee, charge or penalty at such effective date required or due and unpaid under such ordinance, nor shall the same be construed as affecting any of the provisions of such ordinance relating to the collection of any such fee, charge or penalty, or the penal provisions applicable to any violation thereof, required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect.

Section 6. No action or proceeding commenced before the Zoning Ordinance set forth in Exhibit "A" hereto takes effect, and no right or entitlement accrued, is effected by the provisions of the Zoning Ordinance set forth in Exhibit "A", but all procedures thereafter taken therein shall conform to the provisions of said Zoning Ordinance so far as possible. Further, each and every permit and/or entitlement for use heretofore issued, approved or denied, pursuant to the provisions of Ordinance No. 1300, as amended, hereby is ratified and reconfirmed.

Section 7. No rights given by any license, permit, certificate or entitlement under any ordinance repealed by this Ordinance are affected by the enactment of the Zoning Ordinance set forth in Exhibit "A", or by such repeal, but such rights shall hereafter be exercised according to the Zoning Ordinance set forth in Exhibit "A".

Section 8. Penalties for Violation of Title.

(a) Violations Denominated as Misdemeanors.

It is unlawful for any person, firm, partnership or corporation to violate any provision or fail to comply with any of the requirements of the Title set forth in Exhibit "A" hereto. Except as otherwise provided herein, any person, firm, partnership or corporation violating any provision of the Title set forth in Exhibit "A" hereto or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person, firm, partnership or corporation shall be deemed guilty of a separate offense for each and every day, or any portion thereof, during which any violation of any of the provisions of the Title set forth in Exhibit "A" hereto is committed, continued or permitted by such person, firm, partnership or corporation, and shall be deemed punishable therefore as provided in this Section 8(a).

(b) Violations Denominated as Infractions.

Notwithstanding the provisions of Section 8(a), above, any person, firm, partnership or corporation violating any provision of the Title set forth in Exhibit "A" hereto, or failing to comply with any of the requirements thereof, where such violation or failure is denominated an infraction, shall be deemed guilty of an infraction and upon conviction thereof shall be punished by a fine not exceeding One Hundred Dollars (\$100.00) for a first violation; by a fine not exceeding Two Hundred Dollars (\$200.00) for a second violation of the same provision within one (1) year; and by a fine not exceeding Five Hundred Dollars (\$500.00) for each additional violation of the same provision within one (1) year. Each such person, firm, partnership or corporation shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of the sections specified in the Title set forth in Exhibit "A" hereto denominated as an infraction is committed, continued or permitted by such person, firm, partnership or corporation and shall be deemed punishable therefore as provided for in this Section 8(b).

Section 9. Civil Remedies Available. The violation of any of the provisions of the Title set forth in Exhibit "A" hereto shall constitute a nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

Section 10. Pursuant to the provisions of California Government Code § 36937(b), the City Council of the City of Buena Park finds and declares that this

Ordinance shall take effect immediately as an urgency measure to preserve the public peace, health or safety based upon the following facts:

(a) California Government Code § 65300, *et seq.*, require the City to adopt and maintain a comprehensive, long-term general plan for the physical development of the City; further, California Government Code § 65860 requires that the City's Zoning Ordinance be consistent with the General Plan heretofore adopted by the City of Buena Park.

(b) Failure to maintain consistency between the General Plan and Zoning Ordinance may result in the inability of the City to issue permits and other entitlements for use(s) within the City thereby precluding beneficial economic, commercial, industrial and residential projects necessary for the maintenance of a sound economic base.

(c) Due to inadvertent error in the compilation, codification and publication of Ordinance No. 1300, as amended, there is uncertainty as to the validity of said Ordinance No. 1300, as amended, rendering the same susceptible to legal challenge.

(d) In the event Ordinance No. 1300 were to be declared invalid, the provisions of the prior City Zoning Ordinance, repealed by Ordinance No. 1300, as amended, may become applicable. Said prior Zoning Ordinance may be inconsistent with the City's General Plan, as amended to date hereof, thereby potentially precluding the issuance of permits and other entitlements for use. At a minimum, the City would be required to analyze each provision of the prior Zoning Ordinance to ascertain whether the same is inconsistent with the General Plan.

(e) Numerous permits and other entitlements for use have been issued pursuant to the regulations set forth in Ordinance No. 1300, as amended, each of which could be subject to legal challenge as to its validity.

(f) The provisions of Exhibit "A" hereto correctly reflect the intent of the City Council in enacting Ordinance No. 1300, as amended, and, by readoption hereby, will preclude a potential determination of inconsistency between the General Plan and the Zoning Ordinance, as well as legal challenges to permits and entitlements issued pursuant to Ordinance No. 1300, as amended.

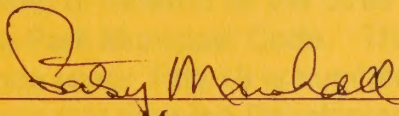
(g) Enactment of the Zoning Ordinance, as set forth in Exhibit "A", as an urgency measure, will enable the City to continue to review, approve or deny requests for development approvals, building permits and related activity necessary for the continued economic well being of the City, its residents and the commercial and industrial enterprises located therein. In addition, the City will be able to enforce

reasonable regulations, as set forth therein, pertaining to uses which, if unregulated, could adversely impact adjoining uses, including activities hazardous to the health and safety of the community.

Section 11. Severability. The City Council declares that, should any Chapter, provision, section, paragraph, sentence, or word of this Ordinance or the Title set forth in Exhibit "A" hereto be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining Chapters, provisions, sections, paragraphs, sentences and words of this Ordinance and the Title set forth in Exhibit "A" hereto shall remain in full force and effect.

Section 12. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published in the manner prescribed by law, pursuant to California Government Code § 36933(c)(2).

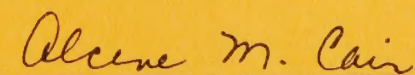
ADOPTED AND APPROVED this 4th day of March, 1996.



Mayor

I, ALCENE M. CAIN, City Clerk of the City of Buena Park, do hereby certify that the foregoing Ordinance was passed at a regular meeting of the Council of the City of Buena Park held on the 4th day of March, 1996, by the following votes:

AYES:	COUNCIL MEMBERS: <i>Brown, Sigler, Bone, Griffin, Marshall</i>
NOES:	COUNCIL MEMBERS: <i>none</i>
ABSENT:	COUNCIL MEMBERS: <i>none</i>
ABSTAINED:	COUNCIL MEMBERS: <i>none</i>

ATTEST: 

City Clerk of the City of Buena Park



CITY OF BUENA PARK

Office of the City Clerk

Alcene M. Cain

TO: Code Book User

FROM: Alcene Cain, ^{cc} City Clerk

DATE: March 12, 1996

SUBJECT: Ordinance No. 1329 and Zoning Ordinance Codebook

Attached is Ordinance No. 1329 adopted by the City Council on March 4, 1996, which readopted the zoning ordinance. This zoning ordinance is listed as Title 19 Zoning and Land Use in your Municipal Code, but it has been printed as a separate book and is not paginated or indexed as the other titles are. It should be placed with your Buena Park Municipal Code. The only page that should be left in your Municipal Code under Title 19 is numbered as 357/491 with the notation that "Title 19 is available from the Development Services Planning Division."

This Zoning Ordinance book dated April 1995 is the official zoning ordinance. Please discard any other copies you may have previously received.

When amendments are made to the zoning ordinance in the future, you will receive instructions upon distribution at that time

**LIBRARY**

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CONTACT NAME: Nancy Adams

FIRM NAME: Sheppard, Mullin, et al.

FIRM ADDRESS:

PHONE NUMBER: (415) 774-3245

TITLE OF ITEM BORROWED: Buena Park Zoning Ordinance

CALL NUMBER: 96 00157

DUE DATE OF ITEM: Sept. 27, 1996

Title 19
Buena Park Zoning Ordinance

Table of Contents

Division	1	Administration
Division	2	Nonconforming Uses and Sites
Division	3	Single Family Residential Zones
Division	4	Multifamily Residential Zones
Division	5	Commercial and Industrial Zones
Division	6	Open Space Zones
Division	7	Special Zone
Division	8	(Reserved)
Division	9	Sign Regulations
Division	10	Temporary Uses and Special Permits
Division	11	Property Maintenance and Use Standards

Division 1 Administration

Chapters:

- 19.104 Introduction and Definitions**
- 19.108 Procedures - General**
- 19.112 Hearings**
- 19.116 Decisions**
- 19.120 Appeals**
- 19.124 Legislative Procedures**
- 19.128 Administrative Procedures**
- 19.132 Quasi-Judicial Procedures**
- 19.136 Applicability of Regulations**
- 19.140 Relationship of Zoning Regulations to Other Laws and Regulations**
- 19.144 Assignment of Authority, Powers, and Duties**
- 19.148 Violations and Penalties**

Chapter 19.104 Introduction and Definitions

Sections:

19.104.010	Title.
19.104.020	Authority.
19.104.030	Purpose.
19.104.040	Establishment of Zones.
19.104.050	Establishment of Overlay Zones.
19.104.060	Zoning Map.
19.104.070	Interpretation of Zoning Map.
19.104.080	Definitions and Applicability.

19.104.010 Title.

This Title 19 may be cited as the Buena Park Zoning Ordinance.

19.104.020 Authority.

This Title 19 is enacted pursuant to the California Planning and Zoning Law: Title 7, Division 1, Chapter 4 (Sections 65800 through 65912) of the California Government Code.

19.104.030 Purpose.

The purpose of this Title 19 is to implement the General Plan of the City of Buena Park and to ensure that the growth and development of the City is attractive, efficient and humane; and that the health, safety, prosperity, enjoyment, and general welfare of those who reside, work, or visit in the City is served to the optimum degree.

19.104.040 Establishment of Zones.

The following zones are established, with their general purpose as indicated, and classified into groups as shown for purposes of reference in this Title 19:

A. Residential Zones.

1. Single-Family Zones:

- a. **RS-16, Select Estate Residential Zone.** For the development and preservation of residential areas of single family homes on large lots in order to maintain a park-like setting within a hillside environment.
- b. **RS-10, Estate Residential Zone.** For the development and preservation of residential areas of single family homes on relatively large lots located adjacent to or near a golf course.
- c. **RS-8, Suburban Residential Zone.** For the development and preservation of residential areas of single family homes on medium-size lots located in hillside areas or near a golf course.
- d. **RS-6, One-Family Residential Zone.** For the development and preservation of residential areas of single family homes located on moderate to minimum size lots on relatively flat terrain.

2. Multifamily Zones:

- a. RMH, Mobile Home Park Zone.** For the development and preservation of mobile home park communities which are attractive for permanent residences and include the facilities and services for such residences.
- b. RM-10, Low-Density Multifamily Residential Zone.** For the development and preservation of relatively low-density garden apartments, town houses, condominiums, and other forms of attached dwellings in an attractive environment, with outdoor areas for both private and common use.
- c. RM-20, Medium-Density Multifamily Residential Zone.** For the development and preservation of medium-density apartments, condominiums, and group quarters in locations convenient to community commercial, recreational and cultural activities.

B. Commercial Zones.

- 1. CO, Office Zone.** To provide for primarily professional and business offices serving the community in an attractive environment and to protect adjacent residential areas from adverse effects of excessive commercial activity.
- 2. CS, Community Shopping Zone.** To provide primarily for shopping centers varying from neighborhood convenience centers to a major regional shopping center, and to provide within such centers conveniently grouped stores with adequate parking.
- 3. CG, Commercial General Zone.** To provide for the variety of commercial activities needed to serve the community, primarily located in the central area of the City and secondarily located along arterial street frontages.

C. Industrial Zones.

- 1. CM, Commercial Manufacturing Zone.** To provide for commercial activities requiring larger site areas than available in the central area of the City, and for commercial and limited industrial services not appropriate for location in the central commercial areas.
- 2. MR, Research Manufacturing Zone.** To provide for administrative or executive offices of business and industrial concerns, scientific research offices and laboratories, restricted manufacturing activities, and compatible appurtenant uses, all in a highly attractive and pollution-free environment.
- 3. ML, Light Industrial Zone.** To provide for small and medium size industrial uses which are not likely to have adverse effects upon each other or upon neighboring residential and commercial areas.
- 4. MH, Heavy Industrial Zone.** To provide for manufacturing and distribution plants which require relatively large sites, to protect such uses from the disruptive effects of unrelated commercial or other activity in their midst, and to protect the surrounding community from adverse environmental effects of industrial activity.

D. Open Space Zones.

- 1. OS, Open Space Zone.** To provide for the preservation of open space areas, including transportation and utility right-of-way corridors, which contribute to the quality of the community environment by remaining open in character and not intensively used for residential, commercial, industrial or recreational activities.
- 2. OR, Recreational Open Space Zone.** To provide for recreational activities located in or using substantial open space.

E. Special Zone.

- 1. AR, Amusement Resort Zone.** To provide for the continued development and preservation of a major tourist-recreational attraction in a park-like setting and which is unique and distinctive from the usual type of business enterprise. The purpose

of creating an AR District is to protect valuable property rights which have been created as a result of such business establishments. No land shall be zoned in an AR District unless it has been demonstrated that there are exceptional or extraordinary circumstances or conditions applicable to the property involved that would require an AR District zoning, and that unless land is placed in an AR District, the owner or owners of such land would be deprived of existing material property rights.

F. Specific Plan Zones. The following described specific plans are adopted together with their real property designations. A full, true and correct copy of the text of each such specific plan is maintained in the office of the City Clerk and in the office of the director of development services. The specific plans are not codified as part of this Title 19 but, rather, they are separately bound and made available to the public and for purchase. The specific plans govern the land use and development standards for property identified on the Zoning Map with the following designations.

1. ECSP, Entertainment Corridor Specific Plan. To provide for the continued development, preservation, and enhancement of integrated major tourist entertainment attractions and visitor-serving commercial uses in attractive settings that are unique and distinctive from the conventional use pattern of independent and unrelated businesses.

G. Planned Development Zones. To provide for land uses and development standards to be tailored to individual sites. This land use designation requires that a master plan be prepared for each area so designated. The master plan must discuss development phasing, development intensities, amenities, design, and how the development is to conform with the guiding principals included in the Land Use Element of the General Plan for each area designated as Planned Development. It is intended to preclude incremental development which may be detrimental to the whole.

19.104.050 Establishment of Overlay Zones.

The following special designations are established which may be combined by notation on the Zoning Map with any of the zones listed in Section 19.104.040 in order to accomplish the additional purposes indicated below:

A. A, Agricultural Overlay Zone. To provide for the preservation of areas of single-family homes on large lots with associated agricultural activities, including limited animal keeping.

B. P, Parking Overlay Zone. To provide for and encourage the development of needed parking areas to serve adjacent commercial and public service uses located in the central area of the City. Such parking use is intended to be arranged within residential zones adjacent to commercial zones in a manner which protects the residential areas from undue adverse effects of adjacent commercial activity and may lead to an orderly transition from residential to parking use for such areas.

C. MU, Mixed Use Overlay Zone.

(RESERVED)

19.104.060 Zoning Map.

A. The map entitled Zoning Map, City of Buena Park on file in the office of the City Clerk is made a part of this Title 19 by this reference thereto. Boundaries and symbols shown on this map indicate the areas of the City to which the regulations of the various zones apply.

B. Zone boundaries and symbols shown on the Zoning Map shall be amended or revised only by means of zone changes adopted pursuant to Section 19.124.030 or zone boundary adjustments adopted pursuant to Section 19.128.080.

19.104.070 Interpretation of Zoning Map.

A. In determining the precise location of zone boundaries as shown on the Zoning Map, the following rules shall be followed, with precedence given to the rules in the order listed:

1. Where properties on opposite sides of a street, alley, walkway, or other right-of-way or easement are in different zones, the zone boundary shall be considered to be the centerline of such right-of-way or easement unless otherwise clearly indicated. The centerline shall be considered to be the line which would become the property line in the event the right-of-way or easement were vacated.

2. Where the zone boundary appears to be in the approximate location of a property line, the zone boundary is considered to coincide with the property line unless otherwise clearly indicated.

3. The location of a zone boundary shall be determined by scaling from the nearest lines or reference points shown on the Zoning Map.

B. Where any area is without a zone designation, such area shall be deemed to be in the OS Zone until such time as a zone change or zone boundary adjustment is approved.

19.104.080 Definitions and Applicability.

When used in this Title 19, the words, terms and phrases defined in this chapter shall have the meaning and construction given herein, except when used in a context which clearly indicates a different meaning or construction.

Abutting.

"Abutting" means physically touching. Abutting lots share a common lot line or lot corner. Abutting buildings or objects are located in such a way that at one or more points there is no intervening space between them.

Access.

"Access" means the way, place or means by which pedestrians or vehicles are physically and legally permitted ingress and/or egress from a building, lot, area or use.

Adjacent.

"Adjacent" means physically touching or separated only by intervening open space. Adjacent sites or lots are either abutting or separated by an alley, street (other than a highway) or other right-of-way not more than one hundred twenty feet in width. Adjacent buildings or structures are those located on the same site or on lots adjacent to the subject site.

Adult day care center.

"Adult day care center" means a licensed community care facility for the regular care and supervision of the elderly, developmentally disabled adults, or mentally disordered adults for periods less than 24 hours in a non-residential setting outside the licensee's own residence with incidental non-acute medical care and a variety of social and related support services, as defined and licensed under the Community Care Licensing Division of the State Department of Social Services.

Affordable housing.

"Affordable housing" means dwelling units:

A. having a sale or rental price in the range considered lower or very low, as the same is defined and as such may be amended in the California Health and Safety Code, or,

B. constructed for qualifying senior citizens as defined in Section 51.2 of the California Civil Code as the same exists or may be amended.

Alley.

"Alley" means public right-of-way providing vehicular access to the side or rear of one or more lots but not intended for through traffic circulation.

Alteration.

"Alteration" means any change or rearrangement in the supporting members of an existing building or structure, such as bearing walls, columns or beams, any horizontal or vertical enlargement or diminution, any change in the size of exterior doors or windows, or the moving of a building or structure from one location to another, either on the same parcel or another.

Antiques.

"Antiques" means objects of art or pieces of furniture, household implements and the like, which, because of age, rarity and fabrication, or manufacture at a time much earlier than the present, have acquired a collector's quality and value. This definition does not include any objects or materials that are obsolete and have secondhand or salvage value only.

Automobile service station.

"Automobile service station" means an establishment or portion of an establishment where motor vehicle fuel is dispensed at retail.

Bedroom.

"Bedroom" means a room within a dwelling unit, other than a kitchen, living room or dining room, which could be used for sleeping purposes, is provided with natural light and natural ventilation, and is separated by a door or archway from the rest of the dwelling unit.

Berm.

"Berm" means a mound of earth designed and permanently maintained for purposes of visual screening, physical enclosure, noise control, erosion or drainage control, or as an element of landscape design. (See also fence.)

Borrow pit.

"Borrow pit" means any place or premises where earth, soil, sand, gravel or other material is removed by excavation for any purpose other than that necessary and incidental to development on the same premises.

Building.

"Building" means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, goods, equipment, vehicles, processes, or activities of any kind.

Building, accessory.

"Accessory building" means a building or structure detached from a main building on the same premises and used or intended only for an accessory use.

Building height.

"Building height" means the vertical distance from the finished ground level to the roof surface of a building. Since some building height regulations of this Title define sloping building envelopes, the permitted building height may vary from point to point and the highest point of a roof may not be the critical point for height limitation purposes. Where the finished ground level varies around the perimeter of a building, an assumed ground level at any point within the perimeter of the building is derived from a cross-section through the building in the vertical plane which is critical for height limitation purposes, in which plane

the ground level on opposite sides of the building is connected by a straight line. (See Diagram 1 at the end of this chapter.)

Building, main.

"Main building" means a building within which is conducted a primary or incidental use of the premises.

Building official.

"Building official" means the officer of the City responsible for enforcing the building, plumbing, mechanical, electrical, and related codes.

Carport

"Carport" means a roofed structure providing space for parking of motor vehicles and enclosed on not more than three sides.

Carwash, drive-through.

"Drive-through carwash" means a mechanical carwash where customers remain in their vehicles during washing operation.

Carwash, full-service.

"Full-service carwash" means a mechanical and/or hand carwash where customers leave their vehicles during washing operations.

Carwash, mechanical.

"Mechanical carwash" means any permanent facility where power-driven equipment, steam-cleaning equipment, or stalls with water-spraying devices are used for the washing of vehicles as a retail service. Mechanical carwashes are further classified as either full-service, drive-through or self-service carwashes.

Carwash, self-service.

"Self-service carwash" means a mechanical carwash where facilities are provided for customers to wash their own vehicles.

Child day care center.

"Child day care center" means a licensed community care facility for the regular, non-medical care and supervision of infants, toddlers, preschoolers, and/or school-age children for periods of less than 24 hours in a non-residential setting outside the licensee's own residence, as defined and licensed under the Community Care Licensing Division of the State Department of Social Services.

Church.

"Church" means a permanent use of premises where the primary activity is religious worship and the premises are maintained and controlled by an organized religious body. Rescue missions, tent revivals, and temporary assemblies are not included in this definition.

Club.

"Club" means a permanent use of premises where the primary activity is assembly of a nonprofit association of persons for social or recreational purposes, and the premises are maintained and controlled by such association. Organizations and activities primarily or customarily involved in commercial enterprise are not included in this definition.

Commercial establishment, drive-in.

"Drive-in commercial establishment" means an establishment which by design, physical facilities, and/or service procedures encourages or permits customers to receive and consume goods or services while remaining in their parked motor vehicles on the premises.

Commercial establishment, drive-through.

"Drive-through commercial establishment" means an establishment which by design, physical facilities, and/or service procedures encourages or permits customers to receive goods or services at a drive-up window or station and then leave the premises without parking their vehicles.

Commercial establishment, take-out.

"Take-out commercial establishment" means a food sales or service establishment which by design, physical facilities, and/or service procedures predominantly encourages or permits customers to receive goods or services at a walk-up window or station, but does not provide for or encourage consumption on the premises.

Commercial establishment, walk-up.

"Walk-up commercial establishment" means a food sales or service establishment which by design, physical facilities, and/or service procedures encourages or permits customers to receive goods or services at an exterior walk-up window or station and encourages or provides for consumption on the premises.

Commercial zone.

"Commercial zone" means any of the zones listed under the heading of Commercial Zones in Section 19.104.040.

Community apartments.

"Community apartments" means a multifamily residential development in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located thereon. (See California Business and Professions Code Section 11004.)

Community Noise Equivalent Level (CNEL).

"Community noise equivalent level (CNEL)" means the average equivalent A-weighted sound level during a twenty-four-hour day, obtained after addition of five decibels to sound levels from seven p.m. to ten p.m. and after addition of ten decibels to sound levels from ten p.m. to seven a.m. (See California Government Code Section 65302(g).)

Community residential care facility.

"Community residential care facility" means a community care facility licensed for any type of twenty-four hour care pursuant to the California Community Care Facilities Act. (See California Health and Safety Code Section 1500 et seq.)

Condominium.

"Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of such real property. Such estate may, with respect to the duration of its enjoyment, be either an estate of inheritance or perpetual estate, an estate for life, or an estate for years, such as a leasehold or subleasehold. (See California Civil Code Section 783.)

Condominium development, residential.

"Residential condominium development" means a multifamily residential development utilizing a condominium, stock cooperative or community apartments form of ownership.

Contractor.

"Contractor" means a person engaged in or purporting to be engaged in the business of building, constructing, plumbing, electrical, painting, plastering, masonry, floor finishing, gardening, landscaping maintenance, landscaping, lawn renovating, wall papering, demolition, grading, excavation, road building or repair, drilling, tank removal or installation, sign installation or repair, pipeline installation or repair, building moving, or any similar occupations or trades whether licensed by the State of California or not.

Contractor's storage facility.

"Contractor's storage facility" means any premises used by a contractor, as defined, for the purpose of storing, maintaining, servicing, distributing, or dispatching supplies, materials, vehicles, equipment, tools, scaffolding, or similar items required by or associated with a contractor's business.

Cooperative, stock.

"Stock cooperative" means a corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property; if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock or membership certificate in the corporation held by the person having such right of occupancy. This definition does not include a limited-equity housing cooperative, as defined in Section 11003.4 of the California Business and Professions Code. (See California Business and Professions Code Section 11003.2.)

Dental office.

"Dental office" has the same meaning as medical or dental clinic.

Development.

"Development" means a plan or program, the process of carrying out such plan or program, and/or the result of such plan or program, for changing, extending or improving the use of a site. Development may include, but is not limited to: the division or assembly of land, space or facilities; altering or disturbing the land surface and landscape; construction, reconstruction or relocation of buildings or structures; installing utilities, streets, walkways, fences and landscaping; and the change, conversion, extension or diminution of the use of land, structures, and facilities.

Director.

"Director" means the Director of Development Services of the City or his other duly authorized designee.

Display.

"Display" means the placement of goods, merchandise, equipment or exhibits for viewing at a location visible to or accessible to the public.

Driveway.

"Driveway" means a private roadway for vehicular travel extending from a street or alley property line to a parking area, loading area, drive-in or drive-through service area, or to an entrance to a building or other facility. Parking aisles within parking areas and truck

maneuvering areas are not included within this definition. (See Diagram 2 at the end of this chapter.)

Dry cleaning, coin-operated.

"Coin-operated dry cleaning" means a business establishment providing for self-operated cleaning of garments. This definition is limited to the use of single-batch, automatic cleaning machines, activated by the insertion of a designated coin, where an attendant is not required to, but may, provide only incidental pressing, spot removing, and supervision.

Dwelling.

"Dwelling" means a building containing one or more dwelling units. A group quarters or other building or portion thereof devoted primarily to rooming units is not considered a dwelling.

Dwelling, factory-built.

"Factory-built dwelling" means a dwelling constructed in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage or destruction of the part, which is either wholly manufactured or is in substantial part manufactured at an off-site location to be wholly or partially assembled on-site in accordance with building standards published in the state Building Standards Code and other regulations adopted pursuant to Section 19990 of the California Health and Safety Code. This definition does not include a mobilehome, site-built dwelling or recreation vehicle. (See California Health and Safety Code Section 19971.)

Dwelling, manufactured.

"Manufactured dwelling" means a factory-built dwelling or a mobilehome in place on a foundation system.

Dwelling, multifamily.

"Multifamily dwelling" means a residential use in which there is more than one dwelling unit on a lot.

Dwelling, second unit.

"Second unit dwelling" means a fully equipped dwelling unit which is ancillary and subordinate to a principal dwelling unit located on the same lot in a single-family residential zone.

Dwelling, single-family.

"Single-family dwelling" means a residential use in which there is only one detached dwelling unit on a lot.

Dwelling, site-built.

"Site-built dwelling" means a dwelling constructed by erecting and joining materials and components on the site where the dwelling is to be occupied. This definition does not include a factory-built dwelling or a mobilehome installed on a site.

Dwelling unit.

"Dwelling unit" means one or more habitable rooms, having one and only one kitchen, and arranged for or occupied by one or more persons living as a household unit with common access to all living, eating, and food preparation areas. An outdoor food preparation area shall not be considered a kitchen. Furthermore, a dwelling unit and any expansion of a dwelling unit shall comply with the following criteria;

A. Common interior access to all living, eating, and food preparation areas shall be provided through habitable rooms or a common hallway.

B. A wet bar may be provided outside the kitchen, provided that no cooking appliances, whether of a temporary or permanent nature, are provided that defeat the purpose and intent of one and only one kitchen within a dwelling unit.

Educational institution.

"Educational institution" means a public, parochial or other nonprofit institution conducting regular academic instruction at kindergarten, elementary, secondary, collegiate, university or graduate level. Such institution must either offer general academic instruction equivalent to the standards prescribed by the State Board of Education or confer degrees as a college or university of undergraduate or graduate standing. This definition does not include schools, academies or institutes, incorporated or otherwise, which operate for a profit, nor does it include commercial or trade schools.

Elderly housing.

"Elderly housing" means dwelling units which are or would be classified as elderly housing as the term is used in the City's current housing assistance plan and, by the terms of its ownership, financing, and management, such housing will continue to be made available primarily to persons sixty-two years of age or older.

Encroachment.

"Encroachment" means any object or obstruction within a prescribed yard, setback or open area.

Establishment

"Establishment" means a premises or portion thereof occupied by a nonresidential use under the unified management and control of one person or organization.

Expansion of use.

"Expansion of use" means any increase in floor area or site area devoted to a use, or any intensification of use which requires additional parking space.

Extension of use.

"Extension of use" means the prolongation of the time that a use exists at a given location. Also, the same as expansion of use.

Fence.

"Fence" means a linear barrier of any material or combination of materials, including living plant materials, placed for the purpose of screening or enclosing open areas of land. Walls, hedges, and berms are included in this definition.

Fence height.

"Fence height" means the vertical distance, at any point, from the finished ground level to the top of the fence. Where the ground elevation is different on opposite sides of a fence, the height is measured on the side of the fence having the higher ground elevation.

Floor area, gross.

"Gross floor area" means the sum of the horizontal area of all floors of a building or group of buildings, measured from the exterior faces of exterior walls or from the center of party walls separating buildings.

Floor area, net.

"Net floor area" means the interior floor area of a room or building, excluding fixed walls, stairways, elevator shafts, and permanently unoccupiable spaces.

Frontage, building.

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Frontage, business.

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Frontage, street.

"Street frontage" means a line, and the length thereof, along which a lot abuts a public street. Where a lot abuts more than one street, or abuts the same street along more than one continuous line, each such line is considered a separate frontage.

Garage.

"Garage" means a roofed structure providing space for the parking of motor vehicles and enclosed on all sides.

Ground coverage.

"Ground coverage" means the total ground area, measured in a horizontal plane, within the boundaries of the exterior walls of all roofed structures on a site.

Group quarters.

"Group quarters" means a building or group of buildings containing sleeping rooms for persons not living as household units. Group quarters differ from dwellings in that there are no kitchen facilities separately associated with each sleeping/living unit, and there is not common access to all living, eating, and food preparation areas.

Guesthouse.

"Guesthouse" means any space in an accessory structure which could be used as habitable quarters, but not constituting a dwelling unit.

Highway.

"Highway" means a street which is designated as a major highway, primary highway or secondary highway in the circulation element of the General Plan.

Home occupation.

"Home occupation" means a business or employment activity conducted on residential premises.

Hospital.

"Hospital" means a health facility licensed as a hospital of any type by the state pursuant to the California Health and Safety Code, Division 2, Chapter 2, Article 1, Section 1250 et seq. This definition includes a general acute care hospital, acute psychiatric hospital, special hospital, and psychiatric health care facility. This definition does not include long-term health care facilities (skilled nursing or intermediate care).

Hotel, motel, or motor hotel.

"Hotel," "motel" or "motor hotel" means a facility offering transient lodging accommodations of less than 30 days to the general public.

Industrial clinic.

"Industrial clinic" means a medical clinic where the predominant activity is serving the emergency and on the job medical needs of industrial employees.

Industrial zone.

"Industrial zone" means any of the zones listed under the heading of Industrial zones in Section 19.104.040.

Integrated development.

"Integrated development" means a development for more than one use or tenant, whether under a single ownership or multiple ownerships, carried out at one time or in phases, but in accordance with an overall design, or operated under some degree of coordinated management, or involving sharing of common facilities such as parking. The intent of an integrated development is to provide through Conditions, Covenants, and Restrictions a means of common maintenance, architectural integrity and compatibility, a comprehensive sign program, and provisions for master planning of future expansions and alterations with review and approval of the City.

Kennel.

"Kennel" means an establishment where four or more dogs or other animals, at least four months of age, are kept, boarded or trained. This definition does not include a dwelling with permitted household pets.

Kitchen.

"Kitchen" means a single, core food preparation area for meals within an individual dwelling unit which shall be in common use by all members of a household residing in such dwelling unit. The kitchen shall have common interior access at all times to all other habitable rooms of such dwelling unit.

Landscaped area.

"Landscaped area" shall mean those portions of any lot or parcel devoted to or developed with landscaping including those portions of a lot or parcel required to be landscaped by a Conditional Use Permit, Variance, Site Plan, Zoning Ordinance requirement, or other entitlement for use.

Landscaping.

"Landscaping" means a designed or natural arrangement of plant materials including grass, ground cover, shrubs, trees, vines, and similar vegetation and may include the use of decorative rock, stones, bark, walls, fountains, pools, brick or similar paving as accessory decorative elements. Driveways, parking areas, loading or storage areas and bare earth, devoid of living vegetation or accessory decorative elements shall not be considered landscaping.

Liquor, off-sale.

"Off-sale liquor" means the sale of alcoholic beverages for consumption off the premises where sold, as defined, regulated, and licensed by the Department of Alcoholic Beverage Control. (See California Government Code Section 23396.)

Liquor, on-sale.

"On-sale liquor" means the sale of alcoholic beverages for consumption on the premises where sold, as defined, regulated, and licensed by the Department of Alcoholic Beverage Control. (See California Government Code Section 23396.)

Liquor store.

"Liquor store" means any establishment which offers for retail sale, for consumption off-premises, any alcoholic beverage.

Livestock.

"Livestock" means any domesticated animal or fowl, used for commercial purposes, as a beast of burden, or otherwise, including, but not limited to, horses, cows, sheep, goats, pigs, hogs, chickens, turkeys, peacocks, guineas, geese, and ducks.

Loading space.

"Loading space" means an off-street space or berth used for the loading or unloading of trucks or other commercial vehicles.

Long-term health care facility.

"Long-term health care facility" means a skilled nursing facility or intermediate care facility of any type licensed by the State pursuant to the California Health and Safety Code, Division 2, Chapter 2, Article 1, Section 1250 et seq.

Lot.

"Lot" means a lawfully created and defined parcel of land held in undivided ownership.

Lot area.

"Lot area" means the area, measured in a horizontal plane, bounded by the lot lines of a lot.

Lot area, net.

"Net lot area" means lot area exclusive of:

- A. Public streets, alleys, walkways, and other existing public rights-of-way;
- B. Proposed public rights-of-way such as streets, alleys, and other land to be reserved or dedicated for public use when such rights-of-way, reservations or dedications are approved or required as part of a development;
- C. Other public or private easements where the owner(s) of the servient tenement does not have the right to use the land surface or space within the easement in any manner.

Lot, corner.

"Corner lot" means a lot abutting two or more streets at their intersection and the angle of intersection is not more than one hundred twenty degrees.

Lot depth.

"Lot depth" means the horizontal distance measured from the midpoint of the front lot line to the midpoint of the rear lot line of a lot.

Lot line.

"Lot line" means any line bounding that portion of a lot which is not part of a dedicated public right-of-way.

Lot line, front.

- A. In the case of a lot having only one street frontage, the frontage is the front lot line.
- B. In the case of a corner lot, the shorter street frontage is the front lot line. (See Diagram 3 at the end of this chapter.)
- C. In the case of a lot at the intersection of two streets with an angle of intersection greater than one hundred twenty degrees, both street frontages together are considered to be the front lot line.
- D. In the case of a lot with noncontinuous street frontages or with three or more street frontages, the Director shall determine which frontage or frontages are considered

as front lot lines. Such determination is based upon the orientation of existing or proposed development on the subject lot or adjacent lots.

E. In the case of a corner lot with an existing development where the setbacks of the existing structure(s) along both streets satisfies the minimum front yard setback, the Director may determine which frontage may be considered as the front lot line. Such determination shall take into account the orientation of the existing structure(s) on the subject lot or adjacent lots and the provision of other conforming yards and related open space requirements.

Lot line, rear.

A. "Rear lot line" means the lot line which is opposite and most distant from the front lot line of the same lot (see Diagram 3 at the end of this chapter).

B. In the case of an irregular, triangular or gore-shaped lot, the rear lot line is an assumed line within the lot parallel to the front lot line, not less than ten feet in length, and located at the maximum possible distance from the front lot line.

C. In the case of a lot where the Director determines the front lot line, the Director shall also determine which lot line or assumed line, if any, is considered the rear lot line.

Lot line, side.

"Side lot line" means any lot line which is not a front or rear lot line. (See Diagram 3 at the end of this chapter.)

Lot, reversed corner.

"Reversed corner lot" means a corner lot where a side lot line abutting a street is substantially a continuation of the front lot line of the lot to the rear of the subject lot, whether or not separated from the subject lot by an alley.

Lot width.

"Lot width" means the horizontal distance between side lot lines measured at the required front yard setback line.

Lot width, buildable.

"Buildable lot width" means the portion of the lot width between the required side yard setback lines.

Medical clinic or dental clinic.

"Medical clinic" or "dental clinic" means an office or health facility providing diagnosis, treatment, or care to patients not confined to the facility as inpatients. Care may include, but is not limited to, the provision of medical, surgical, dental, mental health, rehabilitation, podiatric, optometric, or chiropractic services.

Medical laboratory or dental laboratory.

"Medical laboratory" or "dental laboratory" means an establishment devoted to conducting tests and analyses and/or the preparation of materials (including prostheses) related to the activities of medical or dental offices or clinics.

Medical office or dental office.

"Medical office" or "dental office" has the same meaning as medical clinic or dental clinic.

Mobilehome.

"Mobilehome" means a structure, transportable in one or more sections, designed and equipped to contain not more than two dwelling units, to be used with or without a

foundation system. This definition does not include a recreation vehicle or factory-built dwelling. (See California Health and Safety Code Sections 18008 and 18211.)

Mobilehome park.

"Mobilehome park" means any area or tract of land under unified ownership, control or management where five or more mobilehome sites are provided to accommodate mobilehomes used for human habitation. (See California Health and Safety Code Section 18214.)

Mobilehome site.

"Mobilehome site" means an area within a mobilehome park designated for the use and occupancy of one mobilehome, including all contiguous space for the exclusive use of occupants of the mobilehome.

Motor vehicle.

"Motor vehicle" shall be as defined in California Vehicle Code Section 415, as the same may be amended from time to time.

Motor vehicle, inoperative.

"Inoperative motor vehicle" means any motor vehicle which is unlicensed, unregistered or otherwise not legally permitted to be driven upon the streets and highways of the State of California or any motor vehicle which is disabled, dismantled, wrecked, or from which some essential component thereof has been removed thereby rendering such motor vehicle incapable of being driven under its own motive power.

Multifamily residential zone.

"Multifamily residential zone" means any of the zones listed under the heading of Multifamily zones in Section 19.104.040.

Multi-tenant Development.

"Multi-tenant Development" means a development for more than one business, situated in separate tenant spaces in the same building, where the property is operated under single ownership, and exhibits consistent architectural design and shared common facilities such as parking, pedestrian access, and signage. The intent of a multi-tenant development is to facilitate a mixture of compatible, related uses where the property management is responsible for maintenance and enforcement of conditions of approval for the development including, but not limited to property maintenance, signage, and permitted uses.

Nonconformity or nonconforming.

"Nonconformity" or "nonconforming" means any use, activity, feature of development or operation, or other circumstance which does not conform to the regulations of this Title, but which was lawfully established under the regulations which prevailed at the time of such establishment.

Open area.

"Open area" means land area not covered by buildings and not improved or arranged for vehicular use, together with uncovered balconies and decks or other above or below grade uncovered areas which have access for pedestrian or recreational use.

Open area, common usable.

"Common usable open area" means open area provided and arranged for the common use of all residents of a site.

Open area, private.

"Private open area" means open area provided and arranged for the exclusive use of the occupants of a specific dwelling unit.

Open space zone.

"Open space zone" means any of the zones listed under the heading of Open space zones in Section 19.104.040.

Parking aisle.

"Parking aisle" means the traveled way within a parking area by which vehicles enter and depart parking spaces. (See Diagram 2 at the end of this chapter.)

Parking area.

"Parking area" means a contiguous group of parking spaces and parking aisles.

Parking lot.

"Parking lot" means premises or the portion thereof devoted to parking of motor vehicles, not including parking within a structure.

Parking space.

"Parking space" means a space provided for and intended to be occupied by a motor vehicle when parked.

Parking structure.

"Parking structure" means a structure or portion of a structure providing parking spaces.

Pharmacy.

"Pharmacy" means an establishment where the predominant activity is the preparation and dispensing of drugs and medicines.

Planned unit development.

"Planned unit development" means a development in which units of land together with the structures and facilities on such units are owned individually, while other land, structures, and/or facilities in the same development are provided for the common use of the unit owners and such common property is owned on a proportional, undivided basis by the unit owners or by an association of the unit owners.

Predominant use or activity.

"Predominant use or activity" means an identifiable activity occurring on a premises which is greater in amount than any other activity or component of use occurring on the same premises. For this purpose, the most appropriate criterion for measuring amount of activity shall be determined by the Director (from among such measures as floor space, revenue, traffic volume, etc.).

Premises.

"Premises" means a site together with the buildings, structures, and other improvements thereon.

Public view.

A. An object is in public view if it is visible from any of the following outdoor, ground level locations:

1. Any area open to public access on the same premises;
2. Any dwelling or group quarters on the same premises;

3. Any point on adjacent lots;
 4. Any public street or walkway, not including an alley or freeway.
- B. In determining visibility, an eye-level five feet above ground level shall be assumed.

Recreation vehicle.

"Recreation vehicle" means a motorhome, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than two hundred twenty square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms. (See California Health and Safety Code Section 18010.5 and 18215.5.)

Residential zone.

"Residential zone" means any of the zones listed under the heading of Residential zones in Section 19.104.040.

Roof, mansard-type.

"Mansard-type roof" means a roof or portion of a roof with two slopes, or one sloping portion and one flat portion, wherein the lower portion of the roof has the greater slope.

Setback.

"Setback" means the least horizontal distance between a building or structure and a lot line.

Sign.

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign area.

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, canopy.

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, display board.

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, electronic display board.

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign face.

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign face area.

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, ground.

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, monument.

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, off-premises (billboard).

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, projecting.

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, roof.

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign structure.

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign structure, ground.

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, temporary.

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, wall.

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Sign, window.

See definition under Section 19.904.020 of Division 9, Sign Regulations.

Single-family zone.

"Single-family zone" means any of the zones listed under the heading of Single-family zones in Section 19.104.040.

Site.

"Site" means one or more lots developed or used, or intended to be developed or used, under unified ownership, control, or management.

Small group adult day care home.

"Small group adult day care home" means a licensed community care facility for the regular care and supervision of 6 or fewer elderly, developmentally disabled adults, or mentally disordered adults in a home-like environment within the licensee's own residence for periods less than 24 hours with incidental non-acute medical care, as defined and licensed under the Community Care Licensing Division of the State Department of Social Services.

Small group care home.

"Small group care home" means a licensed community care facility for the 24 hour care of 6 or fewer persons in a detached single family dwelling occupied by the licensee with incidental, non-acute medical care and supervision pursuant to the California Community Care Facilities Act. (See California Health and Safety Code Section 1500 et seq.) Medical care does not include acute psychiatric or nursing care. In no way shall the structure or the appearance of the premises be altered or remodeled inside or outside, other than alterations of accessibility for the physically handicapped, nor conditions or situations be created on the premises that would alter the residential character of the structure or the zone in which the facility is located. This definition does not include a rest home, a sanatorium, or a boardinghouse or lodging house for transient quarters.

Small group child day care home.

"Small group child day care home" means a licensed community care facility for the regular, non-medical care and supervision of 12 or fewer children in a home-like environment within the licensee's own residence for periods less than 24 hours, as defined and licensed under the Community Care Licensing Division of the State Department of Social Services.

Story.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it, but not including any such portion where more than one-half of vertical dimension of the floor-to-floor space is below the average abutting ground level.

Street.

"Street" means a right-of-way dedicated or intended to be dedicated for public use for the movement of vehicles and access to abutting property. This definition includes a highway, but does not include an alley, walkway, or freeway.

Structure.

"Structure" means anything constructed or erected which requires a fixed location on the ground or is attached to something having a fixed location on the ground, but not including outdoor paving, curbs, walks, or other outdoor surfaces and features which are entirely at ground level.

Subject property.

"Subject property" means the lot or site under consideration or to which a regulation is being applied.

Swap meet.

"Swap meet" means a business conducted for the purpose of selling new or used items at a location not primarily devoted to such use on a daily basis, and where two or more individual sellers rent, lease, or otherwise purchase the right to conduct sales at the location.

Trailer.

"Trailer" means a vehicle without motive power, designed to be drawn by a motor vehicle, for the transporting of personal property, but not including trailers designed for human habitation such as a recreational vehicle.

Use.

"Use" means the type of activity or occupancy occurring or intended to occur at a given location.

Use, accessory.

"Accessory use" means an activity or use of property which is subordinate, directly related, and supportive to a primary use located on the same premises. An accessory use is necessarily or customarily associated with a primary use in an interdependent relationship.

Use, incidental

"Incidental use" means an activity or use of property which is secondary to a primary use located on the same premises. An incidental use is directly or indirectly related to a primary use, but is not essential to the conduct of the primary use, nor interdependent with the primary use to the same degree as an accessory use.

Use, primary.

"Primary use" means a use which is not incidental or accessory to some other use on the same premises.

Walkway.

"Walkway" means a public or private way exclusively for the use of pedestrians.

Wild animal.

"Wild animal" means any animal, reptile, fowl, or fish which is not tame or gentle as found in nature, but is of a wild nature or disposition or which is known to be vicious or which must be kept in confinement to be brought within the immediate power of the owner(s).

Working day.

"Working day" means a day when the administrative offices of the City of Buena Park are open to the public for at least four hours.

Yard.

"Yard" means an open area between a building and a lot line of the lot upon which the building is located.

Yard, front.

"Front Yard " means a yard extending across the full width of a lot between the front lot line and any main building, including the projection of the main building to the side lot lines. (See Diagram 3 at the end of this chapter.)

Yard, rear.

"Rear Yard" means a yard extending across the full width of a lot between the rear lot line and any main building, including the projections of the main building to the side lot lines. (See Diagram 3 at the end of this chapter.)

Yard sale.

"Yard sale" means a temporary sale of household items on residential premises.

Yard, side.

"Side Yard" means a yard extending from the front yard to the rear yard between the side yard line and any main or accessory building. In the case of a side yard abutting a street, the side yard is considered as extending from the front yard to the rear lot line. (See Diagram 3 at the end of this chapter.)

Yard, side, zero.

"Zero side yard" means the placement of a main building at or along a side lot line so that there is no side yard between the building and that lot line.

Diagram 1
Illustration of Building Height Measurement

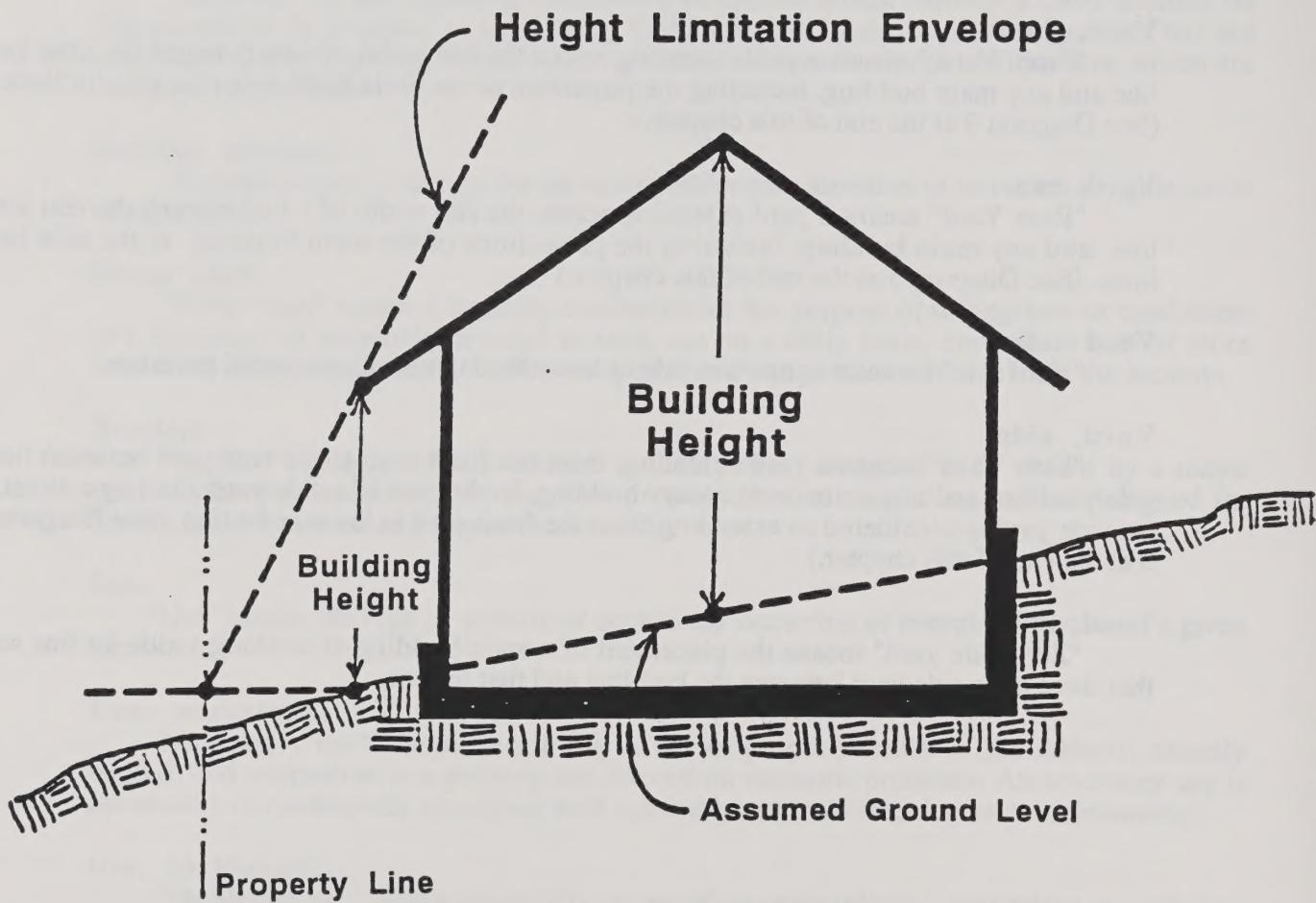


Diagram 2

Illustration of Relationship Among
Driveways, Parking Aisles, and Parking Spaces

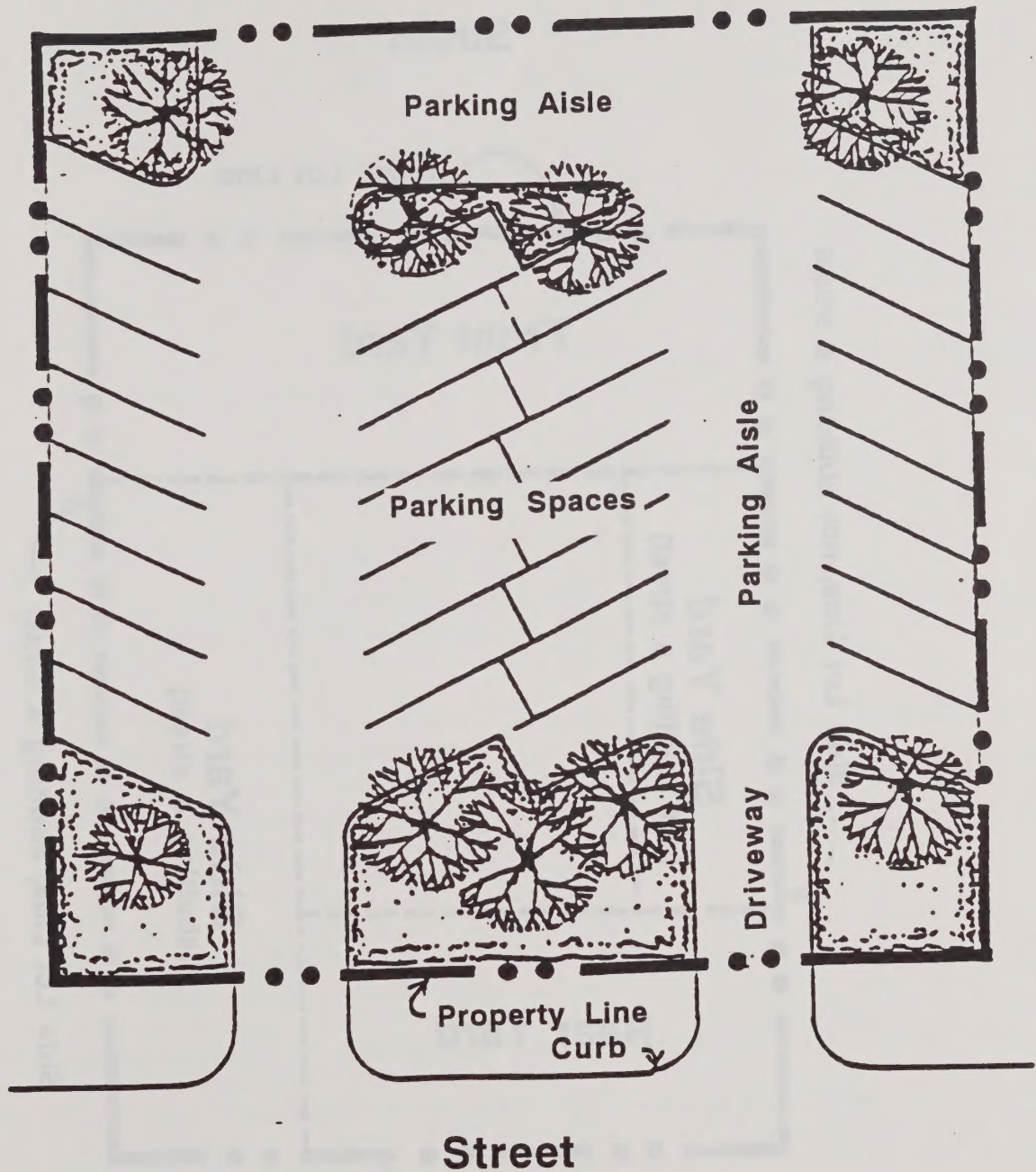
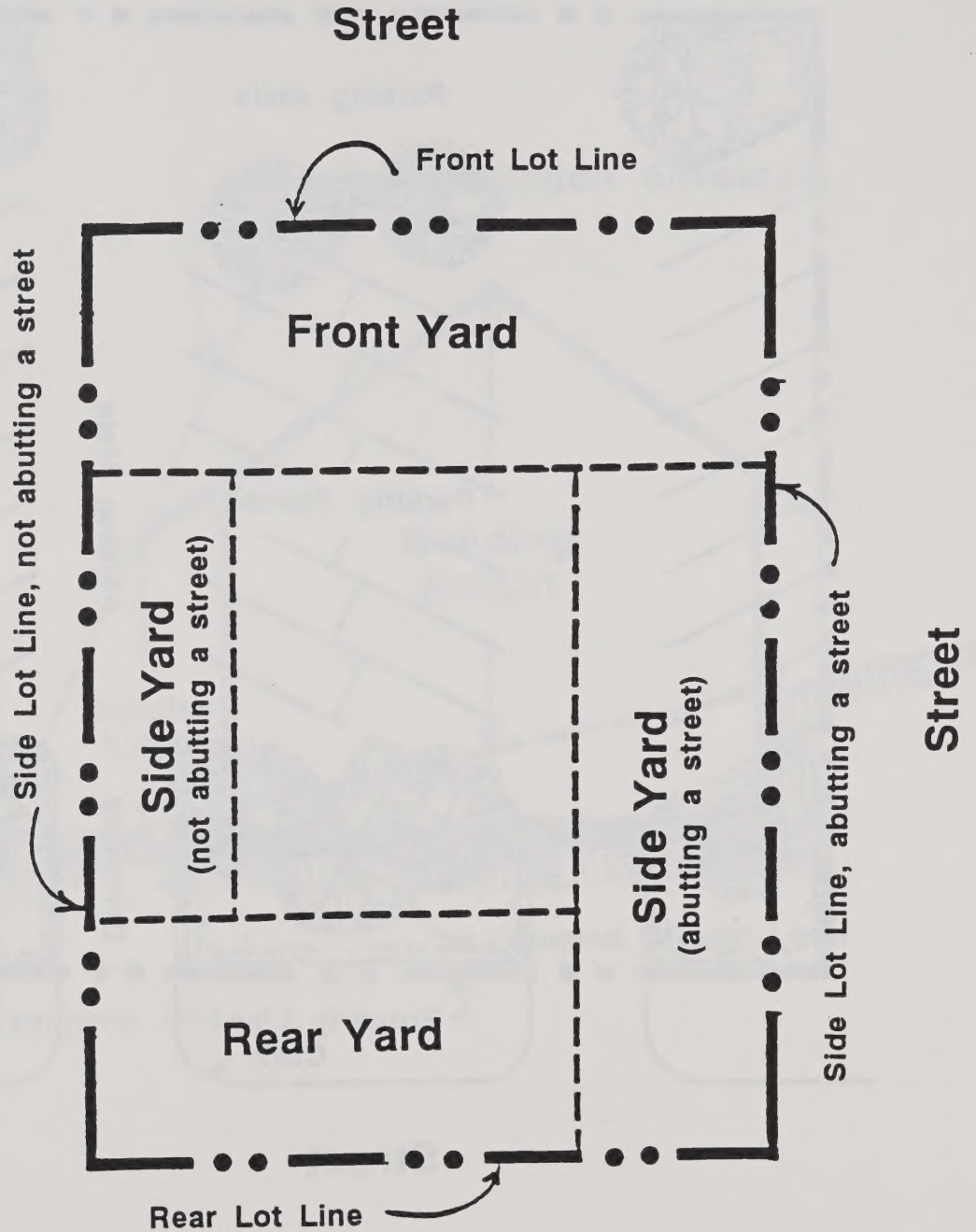


Diagram 3

Illustration of Lot Line and Yard Designations



Chapter 19.108 Procedures - General

Sections:

19.108.010	Types of Procedures.
19.108.020	Applications.
19.108.030	Initiation by City.
19.108.040	Interchangeability.
19.108.050	Fees.
19.108.060	Environmental Review.
19.108.070	Investigation.

19.108.010 Types of Procedures.

The procedures to be utilized in changing and administering this Title include the following:

A. Legislative Procedures.

1. **Text Change.** Any ordinance or amendment changing the wording of this Title.
2. **Zone Change.** Any ordinance or amendment changing a zone boundary as shown on the Zoning Map (Section 19.104.060).
3. **Adoption or Amendment of Standards.** Procedure for approval of detailed standards required or authorized by provisions of this Title to supplement the ordinance regulations.

B. Administrative Procedures.

1. **Interpretation.** A means of resolving uncertainties or ambiguities in the meaning of any provision of this Title. Such interpretations are uniformly applicable to all subsequent situations in which the same set of circumstances is present. In addition, the interpretation procedure may be used to make minor adjustments of zone boundaries to conform to lot lines or to resolve uncertainty as to the precise location of a zone boundary.
2. **Conditional Use Permit.** A discretionary action concerning a specified land use and pursuant to criteria set forth in this Title, to determine whether such use will be permitted at a given location and to determine the conditions or limitations on development in each case.
3. **Conditional Use Permit for Residential Condominium.** Similar to the conditional use permit procedure described in subsection B.2 of this section, but with additional steps and requirements due to the special nature of a condominium development.
4. **Site Plan Review.** The review and conditional approval of development plans for specified categories of development or when required as a condition of approval under some other procedure, in order to ensure the intent of this Title is met with regard to site arrangement, functional effectiveness, landscape design, architectural quality, and other pertinent attributes.

5. Zoning Sign Permit. A review and approval of signing plans to ensure compliance with established standards in areas designated for special care and consistency in signing programs.

6. Underground Utilities Waiver. A means of waiving requirements for underground placement of utility lines when found to be impractical or an unnecessary hardship.

7. Conforming Garage Waiver. A means of waiving requirement for the required number of parking spaces in a garage for an existing single family dwelling when required by an expansion of the dwelling and found to cause undue hardship.

8. Adjustment. A simplified procedure for considering minor deviations from zoning regulations for reasons of practicality or improved design.

9. Zoning Compliance Review. A routine check to ensure that zoning requirements are met before some other permit is issued.

C. Quasi-judicial Procedures.

1. Variance. A determination, under criteria established in State law and this Title, allowing deviation from the literal application of regulations of this Title, in cases where the effect of the literal application of the regulations would produce results contrary to the intent of this Title, and would unequally discriminate against particular property because of unusual or unanticipated circumstances pertaining to such property.

2. Extension of Nonconformity Privilege. Procedure for changing the allowed time period during which a legal nonconforming situation may continue to exist in those cases where the standard time period set forth in this Division is found to be unreasonable. The procedure may also be applied to changes or expansions of nonconforming situations.

3. Revocation. Procedure for revoking any specific development approval when violations of zoning requirements or other laws are found to have occurred.

19.108.020 Applications.

A. Form and Information Required. For all applications to initiate a procedure under this Division, the form of the application and the nature of the information to be submitted therewith shall be as prescribed by the Director for each type of application.

B. Acceptance.

1. The Director shall be responsible for the acceptance of all such applications. No application shall be accepted until:

a. All required information is submitted, including an environmental impact report when required (see Section 19.108.060);

b. At least six months has passed since final action on any previously denied application for substantially the same matter;

c. The required application fee has been paid.

2. As soon as possible, but in no case later than thirty days after receipt of an application, the Director shall determine in writing if such application is complete, and immediately transmit such determination to the applicant. If an application is determined not to be complete, the Director's determination shall specify the deficiencies and the manner in which the application can be made complete. (See California Government Code Sections 65943 and 65944.)

3. Upon determination that an application is complete and meets the requirements for acceptance, or expiration of the thirty-day period if no determination regarding completeness is made, the application shall be deemed accepted. (See California Government Code Section 65943.)

19.108.030 Initiation by City.

When prescribed by provisions of this chapter for specific procedures, proceedings may be initiated by order of the City Council, Planning Commission, Director, or other public official or body so authorized.

19.108.040 Interchangeability.

An application or other initiation of proceedings under any procedure set forth in this Division may be considered as an initiation of proceedings under any other procedure set forth in this Division; provided that, for each action taken, the procedural steps required for that action have been accomplished and the applicable fees paid.

19.108.050 Fees.

A. A schedule of fees shall be adopted (and revised from time to time as deemed necessary) by resolution of the City Council. (See California Government Code Sections 66012, et seq.)

B. When a proceeding is initiated by application or written request as authorized in this Title 19, a fee shall be paid to the City by the applicant or appellant in the amount set forth in the currently adopted schedule of fees.

C. No fee shall be required when a proceeding is initiated by action of an officer or official body of the City.

D. No fee shall be refunded except upon order of the City Council for good cause shown. (Amended during 1990 codification)

19.108.060 Environmental Review.

A. For purposes of applying procedural time limits under this Division, a procedure will not be considered to have been initiated until one of the following has occurred pursuant to the California Environmental Quality Act:

1. Notice of completion of a draft environmental impact report has been filed;
2. Notice of a negative declaration has been made; or
3. The Director determines that the proposed zoning matter is exempt from, or does not constitute a project under, the California Environmental Quality Act.

B. If, after having determined otherwise, it is determined that either a negative declaration or an environmental impact report is required, or that a supplement to a draft environmental impact report is required, the running of time limits applicable to the zoning procedure shall be suspended until the applicable environmental review step has been accomplished.

C. Any hearing on an environmental impact report shall be held before or concurrently with the last hearing to be held on a zoning matter to which it relates.

D. Certification of final environmental impact report or adoption of a negative declaration, when required, shall be made prior to a final decision on a zoning matter.

19.108.070 Investigation.

Except as otherwise directed by the City Manager, for each matter initiated under a procedure established by this Division, the Director shall cause an investigation to be made and a report prepared providing factual information and recommendations as appropriate for action in accordance with the provisions of this Division. (See California Government Code Section 65804 (d).)

Division 1
Administration
- Buena Park Zoning Ordinance -

Chapter 19.112 Hearings

Sections:

19.112.010	Setting of Hearings.
19.112.020	Notice of Hearings.
19.112.030	Conduct of Hearings.

19.112.010 Setting of Hearings.

A. Planning Commission Hearings.

1. Except for matters considered by or appealed from the Zoning Administrator, when a public hearing is required on a zoning matter, the first such hearing shall be held by the Planning Commission.

2. Except as otherwise provided in this Division, when a public hearing is to be held by the Planning Commission, the Director shall set the time and place for such hearing. The time of such hearing shall be at least ten days and not more than forty days after the acceptance of an application or the receipt of written notice or other instruction from the Planning Commission or City Council initiating the matter.

B. Council Hearings.

1. When a public hearing is required on a zoning matter following any decision or recommendation by the Planning Commission or Zoning Administrator, such hearing shall be held by the City Council.

2. Upon acceptance of an appeal, or receipt of a written report from the Planning Commission, Director, or Zoning Administrator on a matter required to be heard by the City Council, the City Clerk shall set the time and place for such hearing. The time of such hearing shall be at least ten days and not more than forty days after the end of the period for filing an appeal or after receipt of the report.

19.112.020 Notice of Hearings.

A. **Time.** Notice of each public hearing shall be given at least ten calendar days before the date set for such hearing. (See California Government Code Sections 65854 and 65856.)

B. **Content.** Each notice of public hearing shall include the following information: (See California Government Code Sections 65854, 65854.5 (b) and 65856.)

1. Time and place of the hearing;

2. Who will conduct the hearing;

3. A general explanation of the matter to be considered, including the type and magnitude of any proposed changes in development or development regulations;

4. Identification of subject property and the area affected;

5. Where further information can be obtained;

6. A statement of the right to appear and be heard

C. **Publication of Notice.** When newspaper publication of a notice of public hearing is required, such notice shall be published at least once in a newspaper of general circulation which is published and circulated in the City (or in the area affected if the matter is a pre-

zoning of a proposed annexation to the City. (See California Government Code Sections 65854 and 65856.)

D. Posting of Notice. Posting of notices of public hearing in the vicinity of property affected may be directed by the City Council or the Planning Commission, but shall not be required when notice is given by other means pursuant to this Division and State law.

E. Notice to Owners of Property Within Three Hundred Feet.

1. When notice of a public hearing is required to be given to owners of property located within three hundred feet of the subject property, such notice shall be made by delivery by City employees or by first class mail to all persons, including businesses, corporations, or other public and private entities, shown on the last equalized assessment roll as owning real property which is located within three hundred feet of the subject property. (See California Government Code Sections 65854.5 (a), 65901 and 65905.)

2. If the matter to be considered is a legislative matter as identified in Section 19.108.010, and the number of owners to whom notice would be sent pursuant to subsection E.1 of this section is greater than one thousand, notice may be given by either of the following methods in lieu of the method described in subsection E.1 of this section:

a. By placing a display advertisement of at least one-fourth page in a newspaper of general circulation in the area affected; or

b. By placing an insert in any generalized first class mailing sent by the City to property owners in the area affected. (See California Government Code Section 65854.5 (b).)

F. Notice to Owners of Adjacent Property. When notice of a public hearing is required to be given to owners of adjacent property, such notice shall be made by delivery by City employees or by first class mail to all persons, including businesses, corporations, or other public and private entities, shown on the last equalized assessment roll as owning real property which is adjacent to the property or zone boundary directly involved in the matter under consideration.

G. Notice to Persons Requesting Notice. For all public hearings on zoning matters, in addition to other notices, notice shall be given by first class mail to any person who has filed a written request therefor with the Commission. Such a request shall be effective for the balance of the calendar year in which the request is submitted. A reasonable fee for this service may be established by the City Council for the purpose of recovering the cost thereof. (See California Government Code Sections 65854 and 65856.)

H. Responsibility for Giving Notice. The officers responsible for giving required notices of public hearings shall be as follows:

1. Notices of Zoning Administrator meetings and hearings shall be given by the Zoning Administrator.

2. Notices of Planning Commission hearings shall be given by the Commission secretary.

3. Notices of City Council hearings shall be given by the City Clerk.

19.112.030 Conduct of Hearings.

A. Rules.

1. The City Council, Planning Commission, and Zoning Administrator shall adopt and publish rules for the conduct of their respective hearings or meetings on zoning matters. (See California Government Code Section 65804 (a).)

2. When a City staff report exists concerning a zoning matter, such report shall, if possible, be made available to the public prior to any subsequent public hearing on the matter and shall be presented and made a part of the public record at the beginning of any such hearing. (See California Government Code Section 65804 (c), (d).)

Division 1
Administration
- Buena Park Zoning Ordinance -

B. Continuance. Any hearing on a zoning matter may be continued from time to time and place to place, provided the time and place to which continued is announced prior to adjournment of the meeting from which continued. (See California Government Code Sections 65854 and 65856.)

C. Record of Hearing. When a zoning matter is contested and a prior written request is made to the body conducting a hearing on the matter, a record of the hearing shall be made, preserved for a period of at least one year, and copies made available to any interested party at cost. A deposit may be required with such request. (See California Government Code Section 65804 (b).)

Chapter 19.116 Decisions

Sections:

19.116.010	Findings.
19.116.020	Form of Decision.
19.116.030	Vote Required.
19.116.040	Time Limits.
19.116.050	Failure to Act.
19.116.060	Notice of Decision.

19.116.010 Findings.

A. For each discretionary decision under a procedure prescribed by this Division, whether made by the City Council, Planning Commission, Director, or Zoning Administrator, written findings shall be adopted pertinent to the applicable criteria of State law and this Division based upon the investigation, hearings, and record of the case.

B. When decisions under more than one type of zoning procedure are being made concurrently with respect to the same subject property or subject matter, the findings and decision for each such procedure shall be separately identified.

19.116.020 Form of Decision.

Except as otherwise required:

A. Decisions of the City Council and Planning Commission shall be made by either resolution or motion;

B. Decisions of the Director or Zoning Administrator shall be in writing and signed by that official or an authorized deputy.

19.116.030 Vote Required.

A. Except as otherwise required, actions on zoning matters by the City Council or Planning Commission shall require the concurring vote of a majority of the members present, with a quorum present.

B. In the case of an action by the City Council which is not in accordance with the recommendation of the Planning Commission, the concurring vote of a majority of all members of the Council shall be required.

19.116.040 Time Limits.

A. On a zoning matter to be decided by the Zoning Administrator or Director, such decision shall be made within forty days after acceptance of the application or other initiation of the matter. An extension of this time limit may be made only with the consent of the applicant or body initiating the matter.

B. On a zoning matter initiated by application, the Planning Commission shall make its recommendation or decision within forty days after opening its first hearing on the matter or, if no hearing is held, within forty days after acceptance of the application. The Planning

Commission may extend the time limit prescribed for its action only with the consent of the applicant and only to the extent such extension is not in conflict with other laws.

C. On a zoning matter initiated by the Planning Commission, the Commission shall act within one hundred eighty days of such initiation, or such other period as may be requested by the City Council.

D. On a zoning matter initiated by the City Council and referred to the Planning Commission, and on any matter referred back to the Commission by the City Council after previous consideration by the Commission, the Commission shall act within forty days after referral, or such longer period as may be set by the City Council. (See California Government Code Sections 65853 and 65857.)

E. For any zoning matter initiated by the City Council, the Council shall act within one hundred eighty days of such initiation unless extended by the Council for good cause. For any other zoning matter presented to the City Council, the Council shall act within forty days after opening its first hearing on the matter; or, if no hearing is held on the matter, within forty days after the Council receives the matter; or, if referred back to the Planning Commission, within forty days after receipt of the Commission's report or within forty days after expiration of the Commission's time limit for such report. The Council may extend the period for its action for good cause shown.

19.116.050 Failure to Act.

A. Failure of the Director or Zoning Administrator to act on a zoning matter within a time limit prescribed by this Division shall be deemed to be a disapproval unless the time limit is extended by mutual agreement with the applicant or initiator of the matter.

B. On a zoning matter referred to the Planning Commission by the City Council, failure of the Planning Commission to act within a prescribed time limit shall be deemed to be an approval. (See California Government Code Section 65853.) On other matters, failure of the Commission to act within a prescribed time limit shall be deemed to be a disapproval upon the filing by the applicant of a written notice with the Director, even though the time limit may have been extended with consent of the applicant.

C. On a zoning matter under consideration by the City Council, failure of the Council to act within a prescribed time limit shall be deemed to be a disapproval upon the filing by the applicant of a written notice with the City Clerk, even though the time limit may have been extended.

19.116.060 Notice of Decision.

A. For each decision on a zoning matter, within five working days after such decision is made, notice of the decision shall be sent by first class mail or delivered by a City employee to the applicant or other person initially requesting consideration of the matter and to any other person who has filed a written request for such notice with the officer responsible for giving such notice.

B. Responsibility for giving notice of decisions shall be as follows:

1. The Director and Zoning Administrator shall each give notice of their respective decisions.

2. The Planning Commission secretary shall give notice of Planning Commission decisions.

3. The City Clerk shall give notice of City Council's decision.

C. Upon the final approval of a zone change, conditional use permit, or variance, the responsible officer as identified above shall, within thirty days, and on behalf of the City Council, notify the County Assessor of the action. (See California Government Code Section 65863.5.)

Chapter 19.120 Appeals

Sections:

19.120.010	Appellate Authority.
19.120.020	Appellants.
19.120.030	Time for Filing of Appeal.
19.120.040	Form of Appeal.
19.120.050	Receipt of Appeals.
19.120.060	Transmittal of Record upon Appeal.
19.120.070	Consideration of Appeal.
19.120.080	Appellate Decision.
19.120.090	Irregularities in Proceedings.

19.120.010 Appellate Authority.

A. Decisions of the Zoning Administrator shall be final unless appealed. Such appeal shall be made directly to the City Council. (See California Government Code Sections 65903 and 65904.)

B. All decisions of the Director made under provisions of this Division are appealable to the Planning Commission.

C. All decisions of the Planning Commission are appealable to the City Council.

19.120.020 Appellants.

Any interested party is eligible to file an appeal on any zoning matter which is subject to appeal. (See California Government Code Section 65856.)

19.120.030 Time for Filing of Appeal.

An appeal must be filed within ten working days after the date of action by the Planning Commission or within ten working days after the date of decision by the Zoning Administrator or Director.

19.120.040 Form of Appeal.

Except for an appeal initiated by a City Council member, an appeal shall be in writing and shall include:

A. Identification of the matter being appealed, including case number, property location, deciding officer or body, and decision date;

B. The specific aspects of the decision being appealed.

19.120.050 Receipt of Appeals.

A. All appeals on zoning matters shall be filed with the City Clerk together with any required appeal fee as set forth in the current schedule of fees adopted pursuant to Section 19.108.050. The City Clerk shall cause the date and time of receipt of each appeal to be endorsed thereon.

B. If the information included with an appeal is found by the City Clerk to be deficient, the City Clerk shall notify the appellant by U.S. certified mail as to the particulars of the deficiencies. If such deficiencies are not corrected within ten working days of such notice, the appeal shall be deemed withdrawn.

19.120.060 Transmittal of Record upon Appeal.

Upon acceptance of an appeal, the City Clerk shall notify the Director, and the Director shall transmit to the appellate body a summary of factual data and a record of the action taken on the matter being appealed. Such information shall be before the appellate body prior to its consideration of the appeal.

19.120.070 Consideration of Appeal.

Each appeal shall be considered de novo. Insofar as applicable and unless otherwise provided in this Title 19, the appellate body shall follow the same procedure and apply the same criteria as prescribed for the original proceeding on a matter. When an appeal hearing is required or held, notice shall be given in the same manner as prescribed for hearing in the original proceeding; or, if no previous hearing was required, in such manner as deemed appropriate by the appellate body.

19.120.080 Appellate Decision.

An appellate body may affirm, modify, or reverse the decision appealed from. If the previous decision is not affirmed, the appellate decision shall be supported by written findings.

19.120.090 Irregularities in Proceedings.

Any irregularity in any procedure set forth in this Title 19 shall not invalidate the proceeding if there is compliance with the minimum requirements of state law.

Chapter 19.124 Legislative Procedures

Sections:

19.124.010	Text Change.
19.124.020	Interim Ordinances.
19.124.030	Zone Change.
19.124.040	Pre-zoning.
19.124.050	Adoption or Amendment of Supplementary Standards.

19.124.010 Text Change.

A. Any ordinance or amendment to change or amend the provisions of this Title, except a change in the Zoning Map, shall be considered in accordance with the procedure set forth in this section.

B. **Initiation.** A text change may be initiated only by order of the City Council, Planning Commission, or Director of Development Services.

C. **Commission Hearing.** On a proposed text change, at least one public hearing shall be held by the Planning Commission. Notice of such hearing shall be given by newspaper publication as provided in subsection C of Section 19.112.020. (See California Government Code Section 65854.)

D. **Commission Recommendation.** The Planning Commission shall make written findings and recommendations to the City Council on each proposed text change. Such report shall include:

1. Explanation of the relationship to the General Plan and any applicable Specific Plans. (See California Government Code Section 65855.)

2. Consideration of the effect of the proposal on the housing needs of the region balanced against the public service needs of City residents and the fiscal and environmental resources available. (See California Government Code Section 65863.6.)

E. **Council Hearing.**

1. The City Council shall hold at least one public hearing on the recommendation of the Planning Commission concerning a proposed text change. Notice of such hearing shall be given by newspaper publication as provided in subsection C of Section 19.112.020. (See California Government Code Section 65856.)

2. If the City Council proposes any modification from the Planning Commission recommendation which was not previously considered by the Commission, the proposal shall be referred back to the Commission for report and recommendation, but further Commission hearing is not required. (See California Government Code Section 65857.)

F. **Council Action.** Action to adopt a text change shall be by ordinance. When an ordinance for a text change has been considered by the City Council but not adopted within one year of introduction, the proceedings shall be considered null and void. New proceedings must be initiated in order to consider the matter further. (Ord. 1233 § 3, 1989;)

19.124.020 Interim Ordinances.

Without following the procedures otherwise required in order to amend this Title, including the Zoning Map, the City Council, to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with a contemplated zoning proposal which the Council, Planning Commission, or Director is considering or studying or intends to study within a reasonable time, as provided by state law. (See California Government Code Section 65858.)

19-124.030 Zone Change.

A. Any ordinance which changes any property from one zone designation to another shall be considered in accordance with the procedure set forth in this section.

B. Initiation. A zone change may be initiated by order of the City Council or the Planning Commission, or by application of the owner(s) of affected property or an agent of the owner(s) authorized in writing.

C. Commission Hearing. On a proposed zone change, at least one public hearing shall be held by the Planning Commission. Notice of such hearing shall be given by notice to property owners within three hundred feet as provided in subsection E of Section 19.112.020. (See California Government Code Section 65854.)

D. Commission Recommendation. The Planning Commission shall make written findings and recommendations to the City Council on each proposed zone change. Such report shall include:

1. Explanation of the relationship to the General Plan and any applicable Specific Plans (see California Government Code Section 65855);
2. Consideration of the effect of the proposal on the housing needs of the region balanced against the public service needs of City residents and the fiscal and environmental resources available. (See California Government Code Section 65863.6.)

E. Further Action or Appeal.

1. If the Planning Commission recommends against a proposed zone change, no further action by the City Council is required unless an appeal is filed. (See California Government Code Section 65856.)
2. If the Planning Commission recommends approval of a zone change, the City Council shall take action on such recommendation.

F. Council Hearing.

1. If the City Council considers a proposed zone change, at least one hearing shall be held. Notice of such hearing shall be given by notice to property owners within three hundred feet as provided in subsection E of Section 19.112.020. (See California Government Code 65856.)
2. If the City Council proposes any modification from the Commission's recommendation which was not previously considered by the Commission, the proposal shall be referred back to the Commission for report and recommendation, but further Commission hearing is not required. (See California Government Code Section 65857.)

G. Council Action. Action to adopt a zone change shall be by ordinance. When an ordinance for a zone change has been considered by the Council but not adopted within one year of introduction, the proceedings are considered null and void. New proceedings must be initiated in order to consider the matter further.

19.124.040 Pre-zoning.

The City may pre-zone areas outside the City for the purpose of determining the zoning that will apply to such property in the event of annexation to the City. The method of accomplishing such pre-zoning is as provided in Section 19.124.030, with notice of public hearings as provided

in subsection C of Section 19.112.020. Such zoning shall become effective at the same time that annexation becomes effective. (See California Government Code Section 65859.)

19.124.050 Adoption or Amendment of Supplementary Standards.

A. When the provisions of this Title allow or require the use of standards to supplement the provisions contained in this Title, such standards shall be considered in accordance with the procedure set forth in this section.

B. Initiation. Preparation or amendment of supplementary zoning standards may be initiated by order of the City Council or the Planning Commission, or by the Director.

C. Preparation. The Director is responsible for preparing proposed standards for consideration.

D. Commission Hearing. A public hearing on proposed standards shall be noticed and held by the Planning Commission in the same manner as provided for a text change under subsection C of Section 19.124.010.

E. Commission Recommendation. After public hearing, the Planning Commission shall make its written report and recommendation to the City Council in the same manner as provided for a text change under subsection D of Section 19.124.010.

F. Council Hearing. Upon receipt of the recommendation of the Planning Commission, a public hearing shall be noticed and held by the City Council in the same manner as provided for a text change under subsection E of Section 19.124.010.

G. Council Action. After public hearing, the City Council shall, by resolution, adopt, modify and adopt, or disapprove the standards recommended by the Planning Commission, or refer the matter to the Commission for further study.

Chapter 19.128 Administrative Procedures

Sections:

19.128.010	Administrative Interpretation.
19.128.020	Conditional Use Permit.
19.128.030	Conditional Use Permit for Residential Condominium.
19.128.040	Site Plan Review.
19.128.050	Zoning Sign Permit.
19.128.060	Underground Utilities Review.
19.128.070	Conforming Garage Waiver.
19.128.080	Adjustment.
19.128.090	Zoning Compliance Review.

19.128.010 Administrative Interpretation.

A. The purpose of this section is to provide a means for resolving uncertainty or ambiguity as to the meaning or intent of any provision of this Title, including:

1. Further definition and enumeration of the uses permitted in the various zones;
2. Determination of parking space requirements for uses not specifically listed in the vehicular provisions of this Title 19;
3. Determination of the precise location of zone boundaries, or minor adjustment thereof to conform to lot lines.

B. Except in the case of zone boundary determinations, each interpretation made under this section is generally applicable to all future situations of the same type and with similar circumstances, and is not limited or directed to specific properties or circumstances thereon.

C. **Initiation.** The preparation of an interpretation may be initiated by order of the City Council or the Planning Commission, by the Director, or by the written request of any interested party filed with the Director. An interpretation shall not be initiated when a text change or zone change involving the same issue has been initiated and is still under consideration.

D. **Basis for Interpretation.** An interpretation shall be based upon an examination of the intent of this Title considering all the relevant provisions thereof, and shall be consistent with such intent. Careful consideration shall be given to the similarities and differences among the uses permitted, development standards, and other regulations applicable in the various zones.

E. **Preparation.** Within forty days after the initiation of an interpretation request, the Director shall prepare a written interpretation and transmit it to the City Council and Planning Commission.

F. **Notice.** Upon transmittal of an interpretation to the City Council and Planning Commission, public notice that such interpretation has been prepared shall be given in the same manner as for a text change (subsection C of Section 19.112.020), or in the case of a zone boundary determination, notice shall be made to owners of property adjacent to the involved boundary as provided in subsection F of Section 19.112.020. The notice shall

explain that the interpretation may become effective without a hearing unless a written request for a hearing is received.

G. Commission Hearing and Action.

1. If a written request for a hearing is received from any interested party within ten working days after notice is made, the Planning Commission shall conduct such hearing. If no such request is made, the Commission may consider the matter without hearing, and the matter may be placed on the Commission agenda as a consent calendar item.

2. The Planning Commission may adopt, modify, or disapprove an interpretation as submitted by the Director, or may refer the matter back to the Director for further study. The Planning Commission shall act within forty days after transmittal of an interpretation from the Director, except that a referral back to the Director is considered as an initiation of an other interpretation.

3. Planning Commission action on an interpretation is final unless appealed. Failure to act is deemed to be an approval.

H. If the Planning Commission action on an interpretation is appealed, the City Council shall hear and decide the matter with notice given in the same manner as the initial notice under subsection F of this section.

19.128.020 Conditional Use Permit.

A. Purpose. Certain types of uses and development situations, as designated in this Title, require special consideration of the unique circumstances of each case in order to ensure that the intent of this Title 19 is adequately implemented. Those developments subject to a conditional use permit shall follow the procedure set forth in this section.

B. Authority. The Planning Commission shall have authority to grant conditional use permits, subject to appeal to the City Council, except the Zoning Administrator shall have such authority for those conditional use permit matters involving existing facilities and development when not more than a twenty percent expansion of floor area is involved. In case of uncertainty as to assignment of authority over a specific application, the Director shall determine which body shall have jurisdiction.

C. Initiation. A conditional use permit procedure may be initiated only by application of the owner(s) (or authorized agent) of the subject property.

D. Hearing. A public hearing shall be held on each application for a conditional use permit, with notice given to property owners within three hundred feet as provided in subsection E of Section 19.112.020. The hearing shall be conducted by the Planning Commission or Zoning Administrator, whichever has jurisdiction in the case.

E. Findings.

1. A conditional use permit may be approved if affirmative findings are made based upon the following criteria:

a. The proposed use and development is consistent with the General Plan and any applicable specific plans;

b. The site is adequate in size, shape, topography, location, utilities, and other factors, to accommodate the use and development;

c. Adequate street access and traffic capacity are or will be available to serve the proposed development as well as existing and anticipated development in the surrounding area;

d. Adequate utilities and public services are or will be available to serve the proposed development as well as existing and anticipated development in the surrounding area;

e. The use and development will be compatible with the intended character of the area;

f. Any criteria set forth elsewhere in this Title for the approval of the specific use and development will be satisfied, including:

- i. For certain specific uses, those criteria set forth in Chapters 19.348, 19.448, 19.552, and 19.652,
- ii. For uses in the PD Overlay Zone, those additional criteria set forth in Sections 19.312.030, 19.412.020, 19.512.020, and 19.612.020;
- g. Any adverse effects of the use and development are justified and fully balanced by offsetting benefits to the public interest.

2. A conditional use permit may be disapproved if affirmative findings based on the above criteria are not made or conditions cannot be imposed to adequately mitigate any adverse findings.

F. Conditions.

1. Any approval of a conditional use permit shall include conditions applicable to the approved use and development which will implement the intent of this Title, protect the public health, safety, and welfare, and ensure development in accordance with approved plans.

2. No condition shall be imposed which requires the dedication of land or the construction of improvements, or bonding to guarantee construction of improvements, if such dedication or improvements are not reasonably related to the use permitted. (See California Government Code Section 65909.)

G. Decisions.

1. The action of the Planning Commission or Zoning Administrator is final unless appealed in writing to the City Clerk within ten working days.

2. The effective date of such approval shall commence upon the date that the applicant files an acceptance of the terms of the approval with the Director, but in no case prior to the expiration of the appeal period.

H. Minor Modification of Conditions.

1. After a conditional use permit has become effective, minor modifications of the conditions of such permit may be made in accordance with the provisions of this subsection.

2. Consideration of minor modifications of conditions may be initiated only by application of the owner(s) (or authorized agent) of the subject property.

3. Upon acceptance of such application, the Director may approve, in writing, and without further procedure, minor modifications of conditions for reasons of practicality or improved design, but shall apply the same criteria and requirements applicable to the conditional use permit, and shall not approve any modification which would be inconsistent with the approved conditional use permit.

4. Upon making such approval, the Director shall promptly notify the applicant and the members of the City Council and Planning Commission of his action.

5. The Director's determination is final unless appealed, but does not become effective unless and until a written acceptance thereof is received from the applicant.

6. In case of an appeal, a public hearing shall be held by the Planning Commission, with notification and payment of fees to be the same as for a conditional use permit. The action of the Planning Commission is subject to further appeal to the City Council in the same manner as for a conditional use permit.

I. Expiration. A conditional use permit shall expire if:

1. Construction or use of the property under permit is not commenced within one year after the expiration of the appeal period or Council decision date if appealed unless otherwise provided within the terms of the approval;

2. Any provision in the permit for termination of the use becomes effective;

3. The use is discontinued for a period of one year;

4. A zone change or text change becomes effective which results in the use or development becoming either automatically permitted or no longer eligible for approval under a conditional use permit. This provision shall apply to all conditional use permits whether issued prior to or after the effective date of this provision;

5. A more recently approved conditional use permit becomes effective for the same property.

J. Extension.

1. An application to extend the time period before a conditional use permit expires may be filed by the owner(s) (or authorized agent) of the subject property prior to the expiration of such permit.

2. The approving body, or City Council on appeal, may grant extensions of such time period for up to one year for each extension if the earlier expiration of the permit is found to present an undue hardship with respect to implementing the approved use and development of the property and such extension would not be materially detrimental to the public health, safety, and welfare.

19.128.030 Conditional Use Permit for Residential Condominium Development.

A. A residential condominium development (new construction or conversion of existing development) is subject to the conditional use permit procedure as provided in Section 19.128.020, the State Subdivision Map Act (see California Government Code Section 66427.1), and the additional and modified procedural elements as provided in this section.

B. Pre-application (For Conversions Only).

1. A prospective applicant for a conversion to a residential condominium shall first obtain pre-application information from the City's Planning and Building divisions, and submit to the divisions the information requested.

2. The Planning and Building division staff shall review the information submitted to evaluate the conformity of the proposal with City requirements. The staff shall discuss its findings with the applicant and provide a written summary. In no case, however, shall the staff comments be construed as binding upon any prospective action by the City.

3. The application for a residential condominium conversion shall be for essentially the same project as presented in the pre-application except for any changes accepted by the applicant to meet in whole or in part the results of the pre-application staff evaluation. If other substantial changes from the pre-application proposal are proposed, another pre-application evaluation shall be accomplished before acceptance of the application.

C. Notice of Proposed Conversion.

1. When a condominium conversion is proposed, the following information shall be included with the application for conditional use permit:

- a. Certification that all tenants have been notified of the prospective application between fifteen and ninety days prior to filing thereof;
- b. Copy of such notice to tenants;
- c. Certified list of mailing addresses of all units in the existing development proposed to be converted.

2. Between ten and forty days prior to the Planning Commission hearing on a proposed condominium conversion, the Planning Commission secretary shall give notice of the hearing to tenants of the existing development by mail to the addresses on the certified list.

D. Criteria. The criteria for approval of a residential condominium project shall include the following:

1. The project design shall provide long-term attractiveness and stability both within the project and in the neighborhood.
2. The special standards for condominium projects as provided in Section 19.448.030 are substantially met.

E. Criteria for Conversion. The following additional criteria shall be applied in considering conversions:

1. The conversion will not produce a shortage of rental housing with respect to the family sizes and income levels of the households being accommodated in the existing development.
2. The overall vacancy rate for rental housing in the City will not be reduced below three percent.
3. The conversion will not cause unreasonable displacement of residents, especially long-term residents, low and moderate income families, senior citizens, and families with schoolchildren.

F. Conditions. In addition to the requirements set forth in this Title (Section 19.448.030)) for residential condominiums, additional conditions may be imposed to:

1. Ensure compatibility with surrounding development and uses;
2. Protect the long-term economic and organizational soundness of the condominium project and its association of owners;
3. Preserve the public health, safety, and welfare.

19.128.040 Site Plan Review.

A. Authority.

1. Any development of a type listed below shall not be commenced, nor any City permit issued therefor, until a site plan showing the proposed development has been submitted for review and approved as provided in this section:

- a. Construction of a new building;
- b. Siting of a manufactured dwelling;
- c. Exterior alterations to an existing building;
- d. Provisions for any new or additional parking facilities;
- e. The erection of any fence greater than seven feet in height.
- f. The erection of any fence within a required yard abutting a street in the RM-10 or RM-20 zones, but excluding fences not over 7 feet in height when erected on a lot developed with only one dwelling unit. Said excluded fences shall be reviewed pursuant to the zoning compliance review procedure (Section 19.128.090);
- g. The installation of any security gate for a multifamily residential development in the RM zones.
- h. Expansion of a single-family dwelling, where the amount of residential floor area of the expansion, including conversions of non-habitable areas to habitable areas, will exceed 50% of the total existing residential floor area, as defined under Section 19.316.050;
- i. Installation of any exterior exposed neon or unshaded bulb architectural building lighting within the CO, CS, CG zones and any specific plan area.

2. The following shall not require site plan review:

- a. Alteration of a single-family dwelling, other than an expansion described above in subsection 1 of this section,
- b. The construction or placement of solar equipment;
- c. Any development in the AR Zone.

3. Signs included within a development subject to site plan review may be approved as part of the site plan approval in lieu of approval under the separate zoning sign permit procedure.

4. The Zoning Administrator shall consider and act upon site plan review matter when it is submitted in connection with:

- a. A development for which some other type of application under the jurisdiction of the Zoning Administrator is under consideration;
- b. A multifamily residential development of less than five units;
- c. Changes of forty percent or less in the existing floor area of each building involved;

d. Development of a single-family residence in an RS-6 zone, within an established tract but not in conjunction with a division of land.

5. The Zoning Administrator shall conduct a site plan review according to the same procedure as provided for a zoning adjustment under Section 19.128.080.

6. Any site plan review not under the jurisdiction of the Zoning Administrator shall be considered by the Planning Commission according to the procedure set forth in this section, except that when a site plan review is conducted in conjunction with consideration of a conditional use permit, variance, relocation permit (under Title 15), or similar proceeding, a separate application, fee, and proceeding is not required and the considerations and determination required under this section shall be included in such other proceeding.

B. Criteria. Action on a site plan review is based upon the following criteria:

1. The proposed development meets all applicable requirements of this Title and other laws;

2. The site arrangement and improvements will not be detrimental to the existing and intended character of the area as defined by the General Plan, any applicable specific plans, and this Title;

3. Property values will be conserved;

4. Effective and satisfactory methods are provided to protect nearby structures and activities from noise, vibration, and other adverse environmental effects generated by the subject development;

5. The exterior architectural design is in reasonable harmony with the architectural character of the area;

6. The arrangement and design for pedestrian and vehicular traffic will minimize congestion and protect pedestrian and vehicular safety.

C. Decision.

1. The Planning Commission or Zoning Administrator shall act upon a site plan review within forty days after the application has been accepted unless this time limit is extended with the consent of the applicant.

2. A site plan may be approved, approved with conditions found necessary to protect the public health, safety, and welfare, or disapproved based upon findings that the requirements and intent of this Title are not satisfied.

3. The action of the Planning Commission or Zoning Administrator is final unless appealed in writing to the City Clerk within ten working days.

4. The effective date of such approval shall commence upon the date that the applicant files an acceptance of the terms of the approval with the Director, but in no case prior to the expiration of the appeal period.

D. Appeal. If appealed, a site plan review matter shall be placed on the agenda of the next regular City Council meeting. The Council shall act on the matter at this meeting or a continuance thereof in the same manner as provided for Commission action.

E. Endorsement. Upon approval of a site plan under the site plan review procedure, the Director shall cause the plan or plans to be endorsed and if necessary supplemented with written or graphic documents in such a way as to clearly identify the matters approved.

F. Revisions.

1. After a site plan has become effective, minor modifications of the conditions of such permit may be made in accordance with the provisions of this subsection.

2. Consideration of minor modifications of conditions may be initiated only by the application of the owner(s) (or authorized agent) of the subject property.

3. Upon acceptance of such application, the Director may approve, in writing, and without further procedure, minor modification of conditions for reason of practicality or improved design, but shall apply the same criteria and requirements applicable to the site plan, and shall not approve any modification which would be inconsistent with the approved site plan. Upon making such approval, the Director shall promptly notify the members of the City Council and Planning Commission of his action.

4. The Director's determination shall be final unless appealed, but does not become effective unless and until a written acceptance thereof is received from the applicant.

5. In case of an appeal, a hearing shall be held by the Planning Commission, with notification and payment of fees to be the same as for a site plan. The action of the Planning Commission is subject to further appeal to the City Council in the same manner as for a site plan.

G. Expiration.

1. If development in accordance with an approved site plan is not commenced within one year after the approval of the approving body, the approval shall expire unless extended as provided under subsection H of this section.

2. If this Title is amended after a site plan has been approved, and such amendment no longer permits the development as approved, the development nevertheless may be carried out if started before expiration of approval, but any features not in compliance with the amended provisions of this Title are subject to the nonconformity provisions of this Title. Upon request of the property owner(s), the Director may modify a site plan approval to the extent necessary to conform to the amended provisions of this Title.

H. Extension.

1. An application to extend the time period before a site plan expires may be filed by the owner(s) (or authorized agent) of the subject property prior to the expiration of such permit.

2. The approving body, or City Council on appeal, may grant extensions of such time period for up to one year for each extension if the earlier expiration of the permit is found to present an undue hardship with respect to implementing the approved use and development of the property and such extension would not be materially detrimental to the public health, safety, and welfare.

19.128.050 Zoning Sign Permit.

A. Authority. When a zoning sign permit is required and a signing plan is included as part of an application for site plan review, conditional use permit, variance, or similar approval under this Title, the zoning sign permit matter may be considered and approved as part of such other proceeding. In other cases, when a zoning sign permit is required (see subsection B of Section 19.904.070), the matter shall be considered by the Zoning Administrator following the same procedure as provided for zoning adjustments under Section 19.128.080.

B. Criteria. Action on zoning sign permits is based upon compliance with the provisions of this Title and any sign guidelines or standards adopted for the area of the subject property pursuant to Section 19.904.060.

19.128.060 Underground Utilities Waiver.

A. Authority. The Planning Commission may, after consideration at a public meeting, waive requirements for undergrounding if the required findings outlined in subsection C of this section can be found. The decision of the Planning Commission may be appealed in writing to the City Clerk within ten working days.

B. Initiation. Consideration of a waiver under this section may be initiated only by application of an owner(s) (or authorized agent) of the subject property.

C. Criteria. A waiver under this section may be granted if it is found that topography, soil, or other conditions are such that the required undergrounding of utility facilities would constitute an unnecessary hardship inconsistent with purposes of the undergrounding requirements.

19.128.070 Conforming Garage Waiver.

A. Authority. The Planning Commission may, after consideration at a public meeting, waive requirements for the conforming number of parking spaces within a garage for an

existing single family dwelling when required under Section 19.204.240 for an expansion of the dwelling floor area. The decision of the Planning Commission may be appealed to the City Clerk within 10 working days.

B. Initiation. Consideration of a waiver under this section may be initiated only by application of a owner(s) (or authorized agent) of the subject property.

C. Criteria. A waiver under this section may be granted if it is found that the existing conditions as to the location and floor plan design of any nonconforming garage and/or dwelling is such that the provision of a conforming garage would constitute an undue hardship upon the owner(s) of the subject property.

19.128.080 Adjustment.

A. Purpose. The purpose of the zoning adjustment procedure is to provide a simplified means of considering, for practical reasons, nondetrimental minor deviations from certain development standards set forth in this Title when applied to alterations of existing development.

B. Authority.

1. When considered in conjunction with an application for site plan review, conditional use permit, variance, or similar procedure, a zoning adjustment may be acted upon by the officer or body having jurisdiction over such other application. In all other cases, a zoning adjustment shall be considered and acted upon by the Zoning Administrator, subject to appeal to the City Council.

2. The types of matters which may be considered under a zoning adjustment and the maximum allowable deviation from the requirement of this Title, are as follows:

a. Building Height. Increase in allowable height of building or structure: twenty percent;

b. Yards and Permitted Encroachments. Encroachment of a single-family dwelling or accessory building into a required yard:

i. Front yard encroachment: twenty percent,

ii. Side yard encroachment: twenty percent,

iii. Rear yard encroachment: twenty percent,

iv. Addition to existing structure which is nonconforming as to yard encroachment: five hundred square feet and no more than existing encroachment distance or two feet, whichever is less,

v. Rear yard coverage: a maximum of forty percent of the required rear yard; provided, that the total lot coverage does not exceed forty percent;

c. Driveway Width. Reduction in width of required accessway: ten percent;

d. Required Parking Spaces. Reduction of not more than two parking spaces in the number of required spaces in any commercial or industrial zone;

e. Fence Height. Residential fence height up to fifty percent greater than permitted height but not more than eight feet total height.

C. Initiation. Consideration of a zoning adjustment may be initiated only by the owner(s) (or authorized agent) of the subject property.

D. Meeting. Each application for a zoning adjustment shall be considered at a public meeting. When considered by the Zoning Administrator, such meeting shall be held not more than forty days after acceptance of the application, and the determination shall be made at the meeting or a continuance thereof. Any extension of time for the decision shall be only with the consent of the applicant.

E. Criteria. The determination of a zoning adjustment is based on the following criteria:

1. There are practical reasons or benefits of improved design which justify the deviation from the prescribed standards.

2. The adjustment, with any conditions imposed, will provide equal or better protection to adjacent property;

3. The adjustment is not in conflict with the objectives of the General Plan, any applicable Specific Plan, or the intent of this Title.

F. Decision. The officer or body acting upon a zoning adjustment may approve, deny or approve with reasonable conditions. The initial determination on an adjustment is final unless appealed.

19.128.090 Zoning Compliance Review.

A. Prior to the issuance of any building permit, sign permit, or permit for any exterior mechanical equipment including air conditioning equipment and solar equipment, and prior to the construction of any residential fence or other development feature specifically made subject to this section, the proposed development plan shall be submitted to the Director for review as to compliance with the provisions of this Title and any standards adopted pursuant to Section 19.124.050.

B. Construction and placement of solar equipment, and alteration of single-family dwellings, including manufactured dwellings, on foundations, shall be reviewed under this section for compliance with standards of architectural compatibility with structures in the immediate area, including consideration of roof overhang and roof and siding materials. (See California Government Code Sections 65850.5 and 65852.3.)

C. Certification. Upon finding that a proposed development conforms to all requirements of this Title and standards adopted under this Title, zoning compliance shall be certified as follows:

1. For a sign copy change: by endorsement on a graphic representation of the approved copy;
2. For a sign installation other than a mere copy change: by endorsement on plans for the approved installation and issuance of an identification sticker which is required to be attached to and maintained on the sign structure in a visible location;
3. For all other cases: by endorsement on the approved plans or permit application.

Chapter 17.02 General Building Procedures

Section 17.02.010 Purpose and Intent

The purpose of this chapter is to establish the procedures for the review and approval of building permits. The intent is to ensure that all building projects comply with the applicable building codes and standards, and to provide a fair and efficient process for the review and approval of building permits.

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Chapter 19.132 Quasi-Judicial Procedures

Sections:

19.132.010	Variance.
19.132.020	Extension or Termination of Nonconformity Privilege.
19.132.030	Revocation.

19.132.010 Variance.

A. Purpose and Scope.

1. The variance procedure is provided for the purpose of considering deviations from the strict application of the requirements of this Title in those special circumstances where the literal requirements unintentionally discriminate against a particular property because of unusual and unanticipated circumstances. In such circumstances, a variance may be granted to correct an inequity, but may not be used to grant any special privilege.

2. A variance may be granted from any provision of this Title, except that a variance shall not be granted which allows a lot or a structure to be used for a purpose not permitted under the applicable zone classification. (See California Government Code Section 65906.)

B. Authority.

1. The Zoning Administrator shall consider and decide upon variances which do not exceed the following limitations:

- a. Changes or additions to existing residential structures or development, provided there is no increase in the number of dwelling units;
- b. New construction or alteration of existing nonresidential structures or development not involving an increase in gross floor area on a lot of over twenty thousand square feet.

2. All other applications for variance shall be considered by the Planning Commission.

C. **Initiation.** A variance may be initiated only by application of the owner(s) (or authorized agent) of the subject property.

D. Hearing and Notice.

1. If considered by the Zoning Administrator, a variance matter shall be considered at a public hearing conducted by the Zoning Administrator. If considered by the Planning Commission, at least one public hearing shall be held by the Planning Commission.

2. Notice of such hearing shall be given to property owners within three hundred feet as provided in subsection E of Section 19.112.020. (See California Government Code Section 65901.)

E. **Criteria and Findings.** A variance may be granted only if all of the following criteria are satisfied:

1. There are special circumstances applicable to the subject property such as size, shape, topography, location, or surroundings which result in the strict application of the requirements of this Title depriving the property of privileges enjoyed by other properties in the same zone and vicinity (see California Government Code Section 65906);

2. The variance will not grant special privileges to the subject property not enjoyed by other properties in the same zone and vicinity (see California Government Code Section 65906);

3. The variance will not produce results detrimental to the public health, safety, or welfare and will not be injurious to other property in the vicinity;

4. The variance will not be contrary to the objectives of the general plan, any applicable specific plan, or the intent of this Title.

F. Conditions—Effective Date.

1. If approved, a variance shall include conditions to ensure that the above criteria and limitations upon a variance are satisfied.

2. No condition may be imposed requiring any dedication of land, construction of improvements, or bonding to guarantee construction of improvements, if such dedication or improvements are not reasonably related to the development and use of the subject property. (See California Government Code Section 65909.)

3. The effective date of such approval shall commence upon the date that the applicant files an acceptance of the terms of the approval with the Director, but in no case prior to the expiration of the appeal period.

4. The action of the Planning Commission or Zoning Administrator is final unless appealed in writing to the City Clerk within ten working days.

G. Minor Modification of Conditions. After a variance has become effective, minor modification of the conditions of such variance may be made by the Director in the same manner as for a conditional use permit (subsection H of Section 19.128.020) except that the applicable criteria shall be those provided for a variance rather than those for a conditional use permit.

H. Expiration. A variance shall expire if:

1. Construction or use of the property under permit is not commenced within one year after the expiration of the appeal period or council decision if appealed, unless provided for within the terms of the approval;

2. Any provision in the variance for termination of the use becomes effective;

3. The use is discontinued for a period of one year,

4. The development is changed so that the variance is no longer required;

5. A zone change or text change becomes effective which results in the development permitted by variance becoming automatically permitted. This provision shall apply to all variances whether issued prior to or after the effective date of this provision.

I. Extension.

1. An application to extend the time period before a variance expires may be filed by the owner(s) (or authorized agent) of the subject property prior to the expiration of such variance.

2. The approving body, or City Council on appeal, may grant extensions of such time period for up to one year for each extension if the earlier expiration of the variance is found to present an undue hardship with respect to implementing the approved use and development of the property and such extension would not be materially detrimental to the public health, safety, and welfare.

19.132.020 Extension or Termination of Nonconforming Privilege.

A. Purpose. The procedure provided in this , or termination of nonconforming situations in specific cases which require such adjustment in order to achieve an equitable balance between private property rights and the public interest. The possible applications of this procedure are:

1. Extension of time beyond the standard termination date required for reasonable amortization;
2. Expansion of the area devoted to nonconforming use on the same site and within an existing building;
3. Change of a nonconformity to another nonconformity of equal or less severity;
4. Termination of a substantially detrimental nonconformity earlier than otherwise required.

B. Initiation. An extension, expansion, or change in a nonconformity privilege may be initiated only by application of the owner(s) (or authorized agent) of the subject property. The early termination of a nonconformity may be initiated by order of the City Council or Planning Commission. When such proceeding for an early termination is initiated, the owner(s) of the subject property shall be notified by registered mail or in the manner of a summons.

C. Hearing. At least one public hearing shall be held by the Planning Commission on any proposed extension, expansion, change, or early termination of a nonconformity. Notice shall be given to property owners within three hundred feet as provided in subsection E of Section 19.112.020.

D. Findings and Decision. To approve, in whole or in part, an extension, expansion, change, or early termination of a nonconformity privilege, it is found that balancing of the public interest and the vested interests of the owner(s) of the subject property requires deviation from the standard nonconformity regulations.

E. Conditions. Conditions shall be imposed upon any grant of an extension, expansion, or change in a nonconformity privilege in order to assure that an equitable balance of the public interest and the vested interests of the owner(s) of the subject property is maintained.

F. Appeal. The decision of the Planning Commission on an extension, expansion, change, or early termination of a nonconformity privilege is final unless appealed.

G. Minor Modification of Conditions. After a decision under this section has become effective, minor modification of conditions may be considered by the Director in the same manner as for a conditional use permit (subsection H of Section 19.128.020) except that the applicable criteria shall be those provided for the extension, expansion, or change of a nonconformity privilege rather than those for a conditional use permit.

19.132.030 Revocation.

A. Authority. Conditional use permits, site plan approvals, variances and extensions, expansions or changes (but not early terminations) of nonconformity privileges may be revoked by the Planning Commission pursuant to this section.

B. Initiation. A revocation under this section may be initiated by:

1. Order of the City Council or Planning Commission;
2. Application of any person damaged or adversely affected by the continuation of circumstances existing on property subject to a conditional use permit, variance, or nonconformity privilege.

C. Notice to Owner(s). Upon initiation of proceedings under this section, notice shall be given to the owner(s) of the subject property by registered mail or in the manner of a summons.

D. Commission Hearing. At least one public hearing shall be held by the Planning Commission on a matter initiated under this section. Notice of such hearing shall be to

Division 1
Administration
- Buena Park Zoning Ordinance -

property owners within three hundred feet as provided in subsection E of Section 19.112.020.

E. Criteria. The decision on a matter being considered under this section is based upon the following criteria:

1. Approval of the use or development was obtained by fraud;
2. The use or development is being or recently has been conducted in violation of the terms of a permit, the requirements of this Title, or other law;
3. The use or development is being conducted in a manner detrimental to public health, safety or welfare, or is a nuisance.

F. Decision. The decision of the Planning Commission on a matter pursuant to this section is final unless appealed.

Chapter 19.136 Applicability of Regulations

Sections:

19.136.010	Property Affected.
19.136.020	Persons Affected.
19.136.030	Activities Affected.

19.136.010 Property Affected.

The provisions of this Title shall apply, to the extent permissible under other laws, to all property within the City, whether such property is in public or private ownership; except that streets, alleys, and walkways which are dedicated for public use shall be regulated under the provisions of Title 12.

19.136.020 Persons Affected.

The provisions of this Title shall apply, to the extent permissible under other laws, to all persons, agencies, and organizations, both public and private; except that in circumstances where an overriding public interest is found to be served by an action or development to be undertaken by a public agency, the City Council may waive the requirements of this Title to the extent deemed necessary.

19.136.030 Activities Affected.

A. New or Changed Development or Use. Each provision of this Title shall apply, to the extent permissible under other laws, to all actions, activities, uses and development initiated subsequent to the effective date of such provision, including but not limited to the following:

1. The division or leasing of land;
2. Construction, alteration, remodeling, expansion, replacement or relocation of any building, structure or other facility or portion thereof;
3. The use or occupancy of land, buildings, structures, or other facilities.

B. Existing Development or Use. Any lawfully established development or use is permitted to continue without change, even though no longer in conformance with one or more provisions of this Title due to changes in such provisions after the establishment of the development or use, except as otherwise provided in Chapter 19.204 or elsewhere in this Title.

Chapter 19.140 Relationship of Zoning Regulations to Other Laws and Regulations

Sections:

19.140.010	Continuity of Zoning Regulations.
19.140.020	Pending Proceedings.
19.140.030	Rights under Previous Approvals.
19.140.040	Previous Violation or Convictions.
19.140.050	Severability.
19.140.060	Conflicting Regulations.
19.140.070	Conflicting Licenses and Permits.
19.140.080	Private Agreements.
19.140.090	Nuisances.
19.140.100	References to Other Laws and Regulations.

19.140.010 Continuity of Zoning Regulations.

The provisions of this Title, insofar as they are substantially the same as previous provisions of this Code or any other ordinance repealed, amended, or superseded by the enactment of the provisions of this Title, shall be construed as restatements and continuations of the previous provisions, and not as new enactments.

19.140.020 Pending Proceedings.

Proceedings initiated under provisions repealed, amended, or modified by the provisions of this Title shall not be affected by the enactment of provisions of this Title, except that after such enactment the proceedings shall conform to the provisions of this Title insofar as possible.

19.140.030 Rights under Previous Approvals.

A. A conditional use permit, site plan approval, variance, or similar approval granted under previous provisions of this Title or under the applicable zoning regulations which existed prior to incorporation of the City or annexation to the City of the area involved, and which would be eligible for consideration of such approval under current provisions of this Title, are deemed to be an approved conditional use permit, site plan, variance, or other approval, respectively, subject to the terms of such approval.

B. All other conditional use permits, approved site plans, variances, and similar approvals or the conditions thereof which are not in conformance with the provisions of this Title are deemed to be nonconforming privileges subject to the provisions of Chapter 19.204.

C. Notwithstanding any other provisions of this section, if a conditional use permit, site plan approval, variance, or similar approval, or any condition thereof, has resulted in a nonconformity, such nonconformity shall be subject to the provisions of Chapter 19.204.

19.140.040 Previous Violation or Conviction.

Any violation of and/or conviction under any provision of this Title which has been repealed, amended, or modified, shall continue to be considered as a violation and/or conviction under this Title.

19.140.050 Severability.

If any provision of this Title or the application thereof to any person or circumstance is held invalid, the remainder of this Title and the application of such provision to other persons or circumstances is not affected thereby.

19.140.060 Conflicting Regulations.

Whenever any provision of this Title covers the same subject matter, overlaps, conflicts with, or is contradictory to any other law or regulation, the provision, law, or regulation which is more restrictive or imposes the higher standard shall control, except as otherwise expressly provided.

19.140.070 Conflicting Licenses and Permits.

All City officials, official bodies, departments, and employees vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Title. No license or permit for uses, buildings or purposes, where the same would be in conflict with the provisions of this Title, shall be issued. Any such license or permit, if issued in conflict with the provisions of this Title, is null and void.

19.140.080 Private Agreements.

The provisions of this Title are not intended to abrogate, annul, or impair any easement, covenant or other agreement between parties; except, where this Title imposes a greater restriction or higher standard than that required by private agreement, this Title shall control.

19.140.090 Nuisances.

Neither the provisions of this Title nor any approval pursuant thereto authorize the establishment or maintenance of any use, activity, or circumstance which constitutes a public or private nuisance.

19.140.100 References to Other Laws and Regulations.

When a reference is made in this Title to any other provision of this Title or to any other law or regulation, such reference shall apply to any and all subsequent amendments and additions to the provision referred to and to any renumbered or retitled provisions which continue or supersede the provision referred to.

Chapter 19.144 Assignment of Authority, Powers, and Duties

Sections:

19.144.010	Delegation of Commission Authority.
19.144.020	Delegation of Staff Authority.
19.144.030	Office of Zoning Administrator.
19.144.040	Enforcement.

19.144.010 Delegation of Commission authority.

Whenever an administrative power or duty is granted to or imposed upon the Planning Commission by any provision of this Title, the Commission may delegate such power or duty to the Director subject to such instructions as the Commission may prescribe.

19.144.020 Delegation of Staff Authority.

Whenever a power or duty is granted to or imposed upon the Director, Zoning Administrator, Building Official, or other officer of the City under any provision of this Title, such power or duty may be exercised by a duly authorized employee of the City or other governmental agency who is assigned to be under the supervision of such officer, subject to such instructions as such officer may prescribe.

19.144.030 Office of Zoning Administrator.

A. Purposes.

1. The office of Zoning Administrator is established to perform certain duties hereinafter specified pursuant to the authority granted by the California Planning and Zoning Law. (See California Government Code Sections 65900 and 65901.)
2. The purposes of the office of Zoning Administrator are:
 - a. To provide efficient methods in the implementation of the General Plan, zoning, and other municipal ordinances to effectuate the desired development of the City and provide better service to the general public;
 - b. To provide a method by which minor adjustments from ordinance requirements may be permitted without the necessity of the delays incident to the setting of such matters for public hearing;
 - c. To relieve the Planning Commission from the performance of certain functions of a routine nature which tend to divert this body from the Planning and major zoning functions entrusted to the Commission by this Code and the laws of the State.

B. Assignment of Duties. The duties of the Zoning Administrator as set forth in this Title shall be assigned, and may be reassigned at any time, by the City Manager to one of the employees filling positions within the Department of Development Services, and duties and be subject to the rules and procedures set forth for the Zoning Administrator in this Title and by any other applicable laws.

19.144.040 Enforcement.

The enforcement of this Title and regulations, decisions and orders made pursuant to this Title, shall be enforced by the City Manager or his other duly authorized representative.

Chapter 19.148 Violations and Penalties

Sections:

19.148.010	Unlawful Activities Designated as Misdemeanor - Penalty.
19.148.020	Unlawful Activities Designated as Infraction - Penalty.
19.148.030	Violations - Nuisance - Civil Remedies.
19.148.040	Severability.
19.148.050	Past Actions and Obligations Previously Incurred.

19.148.010 Unlawful Activities Designated as Misdemeanor - Penalty.

A. It is unlawful for any person, firm, partnership, or corporation to violate any provision or fail to comply with any of the requirements of this code. Except as otherwise provided herein, any person, firm, partnership, or corporation violating any provision of this code or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not exceeding one thousand dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

B. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day, or any portion thereof, during which any violation of any of the provisions of this code is committed, continued, or permitted by such person, firm, partnership, or corporation, and shall be deemed punishable therefor as provided in this section.

19.148.020 Unlawful Activities Designated as Infraction - Penalty.

A. Notwithstanding the provisions of Section 19.148.010, any person, firm, partnership or corporation violating any provision of this code or failing to comply with any of the requirements thereof, where such violation or failure is denominated an infraction, shall be deemed guilty of an infraction, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars for a first violation, by a fine not exceeding two hundred dollars for a second violation of the same provisions within one year, and by a fine not exceeding five hundred dollars for each additional violation of the same provision within one year.

B. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of this code is committed, continued, or permitted by such person, firm, partnership, or corporation and shall be deemed punishable therefor as provided in this section.

19.148.030 Violations - Nuisance - Civil Remedies.

The violation of any of the provisions of this code constitutes a nuisance, and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.

19.148.040 Severability.

The City Council declares that, should any title, chapter, provision, section, paragraph, sentence, or word of this code be rendered or declared invalid by any final court action by a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining titles, chapters, provisions, sections, paragraphs, sentences, and words of this code shall remain in full force and effect.

19.148.050 Past Actions and Obligations Previously Incurred.

Neither the adoption of this Title or any provision thereof, nor the repeal thereby of any ordinance of the City or any provision thereof, shall in any manner affect the prosecution for violation of any provision committed while such provision was in effect, nor be construed as a waiver of any license or penalty due and unpaid under previous provisions; nor be construed as affecting any such previous provisions relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof; nor be construed as affecting the validity of any bond or cash deposit required to be posted, filed, or deposited pursuant to any ordinance, and all rights and obligations pertaining thereto shall continue in full force and effect.

Division 2 Nonconforming Uses and Sites

Chapter:

19.204 Nonconforming Uses and Sites

Chapter 19.204 Nonconforming Uses and Sites

Sections:

19.204.010	Applicability.
19.204.020	Changes and Alterations.
19.204.030	Facilities under Construction.
19.204.040	Repair of Accidental Damage.
19.204.050	Extension or Termination of Nonconforming Privilege.
19.204.060	Off-site Relocation
19.204.070	No Reversion to Nonconformance.
19.204.080	Continuation of Incidental Nonconformity.
19.204.090	Site Nonconformities.
19.204.100	Buildings Designed for Nonconforming Uses.
19.204.110	Building Height and Setback Nonconformities.
19.204.120	Buildings Nonconforming as to Surface Materials.
19.204.130	Nonconforming Use of Building of Nonconforming Design.
19.204.140	Nonconforming Use of Building of Conforming Design.
19.204.150	Nonconforming Use of Land.
19.204.160	Nonconforming Mobilehome and Recreation Vehicle Parks.
19.204.170	Nonconforming Animal Keeping.
19.204.180	Nonconforming Use Eligible for Conditional Use Permit or Other Approval.
19.204.190	Discontinued Use.
19.204.200	Nonconformities in Yards and Open Spaces.
19.204.210	Outdoor Storage and Display Nonconformities.
19.204.220	Nonconformities of Fences and Landscaping.
19.204.230	Sign Nonconformities.
19.204.240	Nonconformities as to Vehicular Provisions.
19.204.250	Nonconforming Utility Facilities and Mechanical Equipment.
19.204.260	Nonconforming Environmental Effects.
19.204.270	Nonconformities Not Requiring Capital Expenditure or Loss to Conform.

19.204.010 Applicability.

A. The provisions of this chapter shall regulate the continuation, termination, and modification of developments and uses which were lawfully established but which no longer conform to the provisions of this Title due to changes in such provisions. A mere change in ownership or tenancy without any change in use, occupancy, or development shall not affect any of the nonconforming rights, privileges, and responsibilities provided under this chapter.

B. Any nonconforming situation which becomes specifically authorized under the terms of some approval pursuant to this Title, other than approval of an extension, expansion, change, or early termination of nonconforming pursuant to Section 19.132.020, shall thenceforth be governed by the terms of such approval and shall no longer be considered to be a nonconformity unless and until such approval expires or is revoked.

19.204.020 Changes and Alterations.

A. In connection with any development or use which involves a nonconformity, no change of use, expansion, addition, alteration, or improvement, Director finds at least one of the following criteria are satisfied:

1. The changes are, in and of themselves, in conformance with the provisions of this Title;
2. The changes are limited to minor alterations, improvements or repairs which do not increase the degree of nonconformity present and do not constitute or tend to produce an expansion or intensification of a nonconforming use;
3. The changes are required by other laws;
4. The changes are incident to the public acquisition of a portion of a site, no greater degree of nonconformity will be created other than that caused as a result of the public acquisition, and the changed development will conform to current regulations to the maximum extent feasible; or
5. The type and extent of change is specifically provided for and authorized under other provisions of this Title.

B. No change made to any development or use shall be construed as automatically permitting an extension of any time limit for the termination of a nonconformity.

19.204.030 Facilities under Construction.

A. **Grading.** If a grading permit has been issued for a development or use prior to the effective date of any provision of this Title which makes such development or use nonconforming, the grading permit shall be null and void unless a vested right has been acquired prior to the effective date.

B. **Construction.** Nothing in this Title shall be construed to prevent the completion and use in accordance with this chapter of any building or structure which is lawfully under construction or for which a building permit has been issued (and has not expired) or for which a vested right has been acquired prior to the effective date of any provision of this Title which makes such development or use nonconforming, provided:

1. Such construction or the proposed use of such building or structure is not in violation of any other law or regulation;
2. Such building or structure is completed within one year from the effective date if not over two stories or thirty-nine feet in height, or is completed within two years if more than two stories or thirty-five feet in height.

19.204.040 Repair of Accidental Damage.

A. A nonconforming building or structure which is accidentally damaged may be repaired, provided the cost of the repairs does not exceed fifty percent of the current replacement cost of the repaired building or structure, the costs to be estimated by the building official. In the case of a building or structure which is necessary to the functioning of a complex of

buildings and/or structures, the estimates of repairs and replacement costs shall be for such interdependent complex as a whole. In the case of successive incidents of damage, the estimate of repair cost shall be for all uncompleted repairs following the most recent damage.

B. The repair of buildings or structures pursuant to this section shall not be construed as authorizing an extension of any time limit for the termination of a nonconformity.

C. Repairs made pursuant to this section shall be made in conformance with the current regulations of this Title to the maximum extent feasible as determined by the Director, and shall comply with all other applicable laws and regulations. This provision shall not be construed to require a reduction in intensity of use from that existing prior to the damage. The degree of nonconformity shall not be increased under any circumstances.

19.204.050 Extension or Termination of Nonconforming Privilege.

Extensions or reductions in the time period allowed for continuation of a nonconformity and changes or expansions of nonconformities may be considered and approved in specific instances pursuant to Section 19.132.020.

19.204.060 Off-site Relocation.

When a building or structure is relocated to another lot, it shall be made conforming in all respects with the provisions of this Title and all other applicable laws and regulations.

19.204.070 No Reversion to Nonconformance.

When any nonconformity is eliminated or brought into conformance with the current regulations of this Title, the nonconforming rights and privileges with respect to that nonconformity are terminated and shall not be restored.

19.204.080 Continuation of Incidental Nonconformity.

Notwithstanding any other provision of this chapter, when a nonconformity exists incidental to a nonconforming use, the nonconformity may continue until the time specified for the termination of the nonconforming use, provided such nonconformity is brought into compliance with the regulations which would be applicable to the use if it were located in the most restrictive zone which automatically permits such use.

19.204.090 Site Nonconformities.

Any lawfully created lot which becomes nonconforming as to lot area, street frontage, lot width, lot depth or accessibility may continue indefinitely with such nonconformity and may be developed and used as if it were a conforming lot, except that any property located within the RM-10 and RM-20 zones shall be fully conforming as to lot area and lot width to be developed with multifamily dwellings. This section shall not be construed as authorizing the establishment of a use for which special site requirements exist differing from the basic requirements of the zone in which located unless the site meets such special requirements at the time such use is established. (Ord. 1241§ 4,1990)

19.204.100 Buildings Designed for Nonconforming Uses.

A Residential Buildings. Any building designed and occupied for residential use may continue indefinitely in such use, provided there is no increase in the number of residential units.

B. Nonresidential Buildings. Any nonresidential buildings, structures, or facilities designed or intended only for uses which are nonconforming shall be removed or the design and use thereof made conforming in all respects within the time period specified in Table 19.204.100.

Table 19.204.100

**TIME LIMITS FOR STRUCTURES OF
NONCONFORMING DESIGN**

Type of Construction		Number of Years Allowed (2)
Building Code Classification	General Description (1)	
I	Heavy steel and/or concrete	50
II (fire resistive), III	Masonry and/or concrete	40
II (1 hour), II-N, IV, V	Light metal and/or frame	25
(1) Building code classification shall take precedence over general description in case of uncertainty.		
(2) Time period measured from date of construction or January 19,1954, whichever is later.		

19.204.110 Building Height and Setback Nonconformities.

Buildings or structures which are nonconforming as to height or located in a manner which encroaches upon required yards or open spaces shall be allowed to remain indefinitely with such nonconformity.

19.204.120 Buildings Nonconforming as to Surface Materials.

Buildings which are nonconforming as to any exterior surface material used shall be allowed to continue indefinitely with such nonconformity.

19.204.130 Nonconforming Use of Building of Nonconforming Design.

Any use which is nonconforming and occupies a building which is not designed for a conforming use may continue to occupy such building during the period that the building is allowed under Section 19.204.100. Any such use shall not be expanded with regard to the floor area occupied in the nonconforming building and shall not be changed to another use unless such expansion or change is authorized under the procedure set forth in Section 19.132.020.

19.204.140 Nonconforming Use of Building of Conforming Design.

A. Any nonconforming commercial use located in a commercial zone and occupying buildings of a design which could accommodate conforming uses, and any nonconforming industrial use located in an industrial zone and occupying buildings or structures of a design which could accommodate conforming uses, shall be terminated or made conforming as to use within ten years from the date of becoming nonconforming.

B. Any other nonresidential nonconforming use occupying buildings of a design which could accommodate conforming uses shall be terminated or made conforming as to use within five years from the date of becoming nonconforming.

19.204.150 Nonconforming Use of Land.

Any nonconforming use which does not occupy or use any building or structure which would require a building permit if it were to be replaced may continue indefinitely unless a determination is made pursuant to the procedure set forth in Section 19.132.020 requiring termination of the use within a reasonable period.

19.204.160 Nonconforming Mobilehome and Recreation Vehicle Parks.

A mobilehome park or recreation vehicle park which is nonconforming as to use shall be terminated within twenty years of the date of becoming nonconforming.

19.204.170 Nonconforming Animal Keeping.

Any nonconforming animal keeping, whether a primary use or an accessory use, shall be terminated or made conforming within three years of the date of becoming nonconforming.

19.204.180 Nonconforming Use Eligible for Conditional Use Permit or Other Approval.

Any nonconforming use which is eligible to be considered for a conditional use permit or other special use approval under this Title, shall be considered to be a nonconforming use unless and until such conditional use permit or other such special approval is granted.

19.204.190 Discontinued Use.

When a nonconforming use has been discontinued for a period of one hundred eighty consecutive days, all nonconforming rights and privileges pertaining to such use shall be terminated. This section shall not apply to any use for which a different period of discontinuance or abandonment is specified under other provisions of this Title.

19.204.200 Nonconformities in Yards and Open Spaces.

A. Except within the commercial zones, any nonconforming encroachment into required yards and open spaces may continue indefinitely. No such encroachment may be reconstructed, replaced, or extended within any zone.

B. Within the commercial zones, any nonconforming encroachment into required yards and open spaces may continue indefinitely, except that the nonconforming encroachment may be required to be removed or reduced upon review by the Zoning Administrator, Planning Commission, or City Council pursuant to Chapter 19.128 under the following circumstances:

1. When an expansion in floor area which is greater than 50 percent of the existing floor area is proposed for any structure maintaining a nonconforming encroachment, or
2. When an expansion in floor area is proposed anywhere within an integrated development which is greater than 50 percent of the total floor area of all structures within the integrated development.

19.204.210 Outdoor Storage and Display Nonconformities.

Trash areas or facilities, outdoor storage areas and outdoor display areas which are nonconforming may continue indefinitely, except that such facilities and areas shall be made fully conforming at the time of any expansion or intensification of use on the site, or, upon any review by the Zoning Administrator, Planning Commission, or City Council pursuant to Chapter 19.128, may be required at such time to comply with current city standards.

19.204.220 Nonconformities of Fences and Landscaping.

Any nonconformity with respect to required fences or landscaping may continue indefinitely, except that fences and landscaped buffers which are required along boundaries between zones shall be provided at the time of any expansion or intensification of a nonresidential use.

19.204.230 Sign Nonconformities.

A. Permit-Exempt Signs. Nonconforming signs which are classified as permit-exempt under Section 19.904.080 shall be removed or made conforming in all respects within one year after the date of becoming nonconforming.

B. Off-Premises Signs (Billboards). Nonconforming off-premises signs shall be removed or made conforming within three years after the date of becoming nonconforming. Notwithstanding other provisions of this chapter, structural alterations may be made to such signs prior to conformance to the extent necessary to meet safety requirements.

C. Other Signs. Nonconforming signs other than permit-exempt and off-premises signs shall be removed or made conforming within five years after the date of becoming nonconforming. Notwithstanding other provisions of this chapter, structural alterations may be made to such signs prior to conformance to the extent necessary to meet safety requirements.

19.204.240 Nonconformities as to Vehicular Provisions.

A. Vision Clearance. Nonconforming obstructions to vision clearance, except buildings or major structures, shall be removed or made conforming within three years after the date of becoming nonconforming.

B. Access.

1. Nonconforming driveways or other vehicular access arrangements may continue indefinitely, except that with any expansion or intensification of use the access serving such expansion or intensification shall be made fully conforming.

2. In the case of an automobile service station or any drive-in, drive-through, walk-up, or takeout commercial establishment which is replaced or reconstructed at a cost exceeding fifty percent of the current replacement value (as determined by the building official) of the station or establishment, all driveways shall be made fully conforming.

C. Parking or Loading Spaces.

1. Any nonconformity with respect to parking or loading areas, spaces or improvements may continue indefinitely, except that with any change, expansion, or intensification of use the additional parking and loading areas and spaces required for such change, expansion, or intensification shall be fully conforming.

2. Notwithstanding the provisions of subsection C.1 of this section, any dwelling may be expanded, except as limited under subsection C.3 of this section, without providing additional parking space if no additional dwelling units are created and the addition does not occupy the only space available on the lot which could be used to meet the full parking requirement for all units.

3. In the case of a single family dwelling with a nonconforming provision as to the number of required parking spaces in a garage, the minimum parking requirements shall be made fully conforming with any habitable expansion(s) of the dwelling greater than 50% of the existing floor area of the dwelling at the time of adoption of this section. In the event that the provision of this requirement would constitute an undue hardship due to the existing location and floor plan design of any nonconforming garage and/or dwelling, a waiver may be granted pursuant to Section 19.128.070.

D. Parking Lot Landscaping. Upon a review pursuant to Chapter 19.128 for any expansion, intensification, or reconfiguration of an existing parking lot, the Zoning Administrator, Planning Commission, or City Council may require that any non-conformity

with respect to interior landscaping and landscaped yards along streets and alleys for parking lots be made conforming to the fullest extent feasible.

19.204.250 Nonconforming Utility Facilities and Mechanical Equipment.

Nonconforming utility facilities or mechanical equipment may continue indefinitely, except that any new or replacement facilities, equipment or construction shall conform to the maximum extent feasible as determined by the Director.

19.204.260 Nonconforming Environmental Effects.

A. Any nonconformity with respect to environmental effects upon surrounding property (such as lighting or noise) shall be made conforming within two years after the date of becoming nonconforming.

B. Any nonconformity with respect to an environmental effect upon the premises where the source of the effect is located may continue indefinitely.

19.204.270 Nonconformities Not Requiring Capital Expenditure or Loss to Conform.

Notwithstanding any other provision of this chapter, any nonconformity (such as the rotation or blinking of a sign) which can be made conforming without requiring that a capital expenditure be made or a capital loss incurred, shall be made conforming within one hundred twenty days after the date of becoming nonconforming.

Division 3 Single Family Residential Zones

Chapters:

- | | |
|---------------|--|
| 19.304 | Purpose and Description of Single Family Residential Zones |
| 19.308 | Intensity of Use and Site Requirements |
| 19.312 | Uses |
| 19.316 | Development Standards - Buildings |
| 19.320 | Development Standards - Yards and Related Encroachments |
| 19.324 | Development Standards - Outdoor Improvements |
| 19.328 | Development Standards - Fences, Walls, Hedges, and Berms |
| 19.332 | Development Standards - Landscaping |
| 19.336 | Development Standards - Vehicular Provisions |
| 19.340 | Development Standards - Utilities and Mechanical Equipment |
| 19.344 | Development Standards - Environmental Effects |
| 19.348 | Development Standards - Special Requirements for Certain Uses |

Chapter 19.304

Purpose and Description of Single Family Residential Zones

Sections:

19.304.010	Purpose and General Plan Consistency.
19.304.020	Description of Zones.

19.304.010 Purpose and General Plan Consistency.

The General Plan outlines goals and objectives with regard to residential uses and development. The purpose of this Division is to implement those General Plan goals and objectives that relate to residential land use as follows:

- A. Create housing that is sufficiently diversified in size, type, and tenure to meet the housing needs of all households.
- B. Create housing opportunities that are sufficiently diversified in costs to meet the affordability needs of all City households.
- C. Develop residential environments within the City of Buena Park which are safe and attractive and which provide the City's residents with access to employment opportunities, community facilities, and proper services.
- D. Promote housing within the City which meets the special needs of the elderly, handicapped, minorities, and families, regardless of size.
- E. Encourage the availability of rental units within the City which meet the needs of all residents, including families of all sizes.
- F. Provide suitable sites within the City for housing development which accommodates a range of housing by type, size, location, price, and tenure.
- G. Preserve desirable and satisfying residential living environments in all areas of the City.
- H. Protect those existing regions of the City for which noise environments are deemed acceptable as well as those regions deemed "noise sensitive."

19.304.020 Description of Zones.

The following single family residential zones, with their general purpose as indicated, have been created to implement the goals, objectives, and residential land use designations of the General Plan.

- A. **RS-16, Select Estate Residential Zone.** For the development and preservation of residential areas of single family homes on large lots in order to maintain a park-like setting within a hillside environment.
- B. **RS-10, Estate Residential Zone.** For the development and preservation of residential areas of single family homes on relatively large lots located adjacent to or near a golf course.
- C. **RS-8, Suburban Residential Zone.** For the development and preservation of residential areas of single family homes on medium-size lots located in hillside areas or near a golf course.

Division 3
Single Family Residential Zones
- Buena Park Zoning Ordinance -

D. RS-6, One-Family Residential Zone. For the development and preservation of residential areas of single family homes located on moderate to minimum size lots on relatively flat terrain.

E. Planned Development Zones. To provide for land uses and development standards to be tailored to individual sites. This land use designation requires that a master plan be prepared for each area so designated. The master plan must discuss development phasing, development intensities, amenities, design, and how the development is to conform with the guiding principals included in the Land Use Element of the General Plan for each area designated as Planned Development. It is intended to preclude incremental development which may be detrimental to the whole.

F. Overlay zones. The following special designations are established which may be combined by notation on the Zoning Map with any of the zones above in order to accomplish the additional purposes indicated below:

1. A, Agricultural Overlay Zone. To provide for the preservation of areas of single-family homes on large lots with associated agricultural activities, including limited animal keeping.

2. P, Parking Overlay Zone. To provide for and encourage the development of needed parking areas to serve adjacent commercial and public service uses located in the central area of the City. Such parking use is intended to be arranged within residential zones adjacent to commercial zones in a manner which protects the residential areas from undue adverse effects of adjacent commercial activity and may lead to an orderly transition from residential to parking use for such areas.

3. MU, Mixed Use Overlay Zone.

(RESERVED)

Chapter 19.308 Intensity of Use and Site Requirements

Sections:

19.308.010	Residential Base Densities.
19.308.020	Cluster Bonus.
19.308.030	Affordable Housing Bonus.
19.308.040	Fractional Results.
19.308.050	Site Dimensions.

19.308.010 Residential Base Densities.

Before any density bonuses are applied, the number of dwelling units permitted in a residential development shall not exceed the following amounts:

Zone	Density (dwelling units per net acre)
RS-16	2.722
RS-10	4.356
RS-8	5.445
RS-6	7.260

19.308.020 Cluster Bonus.

When a cluster bonus is approved in accordance with Section 19.348.020, the dwelling unit density of a single-family development shall not exceed a density twenty percent greater than otherwise permitted.

19.308.030 Affordable Housing Bonus.

A. When affordable housing is included within a residential development in a residential zone, the dwelling unit density shall not exceed a density determined by increasing the density otherwise allowed by the same percentage as the percentage of affordable housing units in the development. For elderly housing, the maximum such bonus is one hundred percent. For other housing, the maximum such bonus is twenty-five percent. The terms "affordable housing" and "elderly housing" shall have the meanings set forth in California Government Code Section 65915.

B. An affordable housing bonus shall not be effective until approval of a site plan for the residential development under the site plan review procedure set forth in Section 19.128.040, and such site plan shall show the number of dwelling units authorized. It shall be a condition of such site plan approval that the number of affordable housing units upon which the

Division 3
Single Family Residential Zones
- Buena Park Zoning Ordinance -

affordable housing density bonus is based shall remain in the affordable price range for a period of at least fifteen years. In the case of a bonus of more than twenty-five percent for elderly housing, it also shall be a condition of the site plan approval that the number of affordable elderly units upon which the affordable housing bonus in excess of twenty-five percent is based, shall remain available to elderly households, as such households are currently defined for purposes of the City's housing assistance plan, for a period of at least fifteen years.

19.308.040 Fractional Results.

A. Regardless of the maximum density calculated pursuant to this chapter, one dwelling unit shall be permitted on any lawfully established lot in a RS zone if such lot has a net area of at least two thousand five hundred square feet.

B. In other cases, in determining the maximum number of dwelling units permitted within a subdivision, any fraction of dwelling unit in the calculated result, after applying all density factors, shall not be construed as allowing an additional dwelling unit if such fraction is less than 0.5.

19.308.050 Site Dimensions.

The minimum size and dimensions of lots created in the various zones shall be as shown in Table 19.308.050.

TABLE 19.308.050

MINIMUM SITE DIMENSIONS				
Zone	Minimum Lot Area (square feet)	Minimum Street Frontage (feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
RS-16	16,000 (1)	100	100 (1)	150
RS-10	10,000 (1)	85	85 (1)	110
RS-8	8,000 (1)	80	80 (1)	100
RS-6	6,000 (1) (2)	40 (3)	60 (1) (3)	—

(1) For corner lots in single family residential zones, the minimum lot area shall be increased by five hundred square feet and the minimum lot width shall be increased by five feet over the amounts shown in this table.

(2) Where property is also located in the A Overlay Zone, the minimum lot size shall be fourteen thousand square feet. See Section 19.312.040.

(3) For existing lots in the RS-6 zone in Tracts 280,624,625, and 650, lots may be combined and/or divided to meet the predominant street frontage and lot width dimensions of lots within the tract containing such lots.

Chapter 19.312 Uses

Sections:

19.312.010	Uses Permitted.
19.312.020	Parking Overlay Classification.
19.312.040	Agricultural Overlay Classification.
19.312.050	MU, Mixed Use Overlay Zone.
19.312.060	Residential Zone - Commercial Parties Prohibited.
19.312.070	Interpretation of Uses Permitted.

19.312.010 Uses Permitted.

A. Land, buildings, and other facilities shall be designed, developed, and used only for those activities indicated for the various zones by Table 19.312.010, entitled Uses Permitted. The symbols shown in this table have the following meanings:

Symbol	Meaning
P	Automatically permitted use.
I	Incidental use—use permitted only if incidental to another primary use on the same site. If incidental to a use authorized by conditional use permit, such incidental use is permitted only if included within the terms of the conditional use permit.
C	Conditional use—use eligible for consideration under the conditional use procedure (Section 19.128.020) and permitted only if a conditional use permit is approved, subject to the specific conditions of such permit.
Ci	Incidental conditional use—use eligible for consideration under the conditional use procedure only if incidental to another primary use of the site, whether such primary use is automatically permitted or permitted by conditional use permit.
IC	Incidental or conditional use — automatically permitted as an incidental use, when the primary use is automatically permitted, or eligible for consideration as a primary use under the conditional use procedure.
T	Temporary use—permitted if approved in accordance with Title 19, Division 10.

B. Those uses listed as accessory uses in the Uses Permitted Table are subject to the definition of accessory use in Section 19.104.080 as well as the meanings of the indicated symbols in the table.

Division 3
Single Family Residential Zones
 - Buena Park Zoning Ordinance -

Table 19.312.010

USES PERMITTED - SINGLE FAMILY RESIDENTIAL ZONES					
Uses	Residential Zones				
	RS-16	RS-10	RS-8	RS-6	PD (14)
Residential Uses					
<u>Single -Family Dwellings:</u> • Site-built. • Manufactured. • Second dwelling units. (1) • Single Family Cluster (15)	P P C	P P C	P P C	P P C C	C C
<u>Community Residential Care:</u> • Small group care home. • Other community residential care facility.	P C	P C	P C	P C	P
<u>Residential Accessory Uses:</u> • Guesthouse. • Home occupation. (2) • Animal keeping. (3) • Swimming pool, therapeutic pool, recreational structure. • Clubhouse, meeting room, game room, gymnasium, sauna, health center (private use only)	C P P P (note 4)	C P P P (note 4)	C P P P (note 4)	C P P P (note 4)	C P P P (note 4)
• Parking, within garage. • Parking, under carport. • Parking, uncovered.	P (note 5) (note 5)	P (note 5) (note 5)	P (note 5) (note 5)	P (note 5) (note 5)	P (note 5) (note 5)
• Yard sale. (6)	P	P	P	P	P
Public Service Uses.					
<u>Community Day Care:</u> • Small group child day care home (1-12 children). • Small group adult day care home (1-6 adults). • Child day care center (7) • Adult day care center (7)	I I	I I	I I	I CI CI	I CI CI

Division 3
Single Family Residential Zones
 - Buena Park Zoning Ordinance -

Table 19.312.010 - cont'd.

USES PERMITTED - SINGLE FAMILY RESIDENTIAL ZONES					
Uses, cont'd.	Residential Zones				
	RS-16	RS-10	RS-8	RS-6	PD (14)
Public Service Uses, cont'd.					
<u>Public Assembly:</u> (See also Recreation) • Church. (8), (9)				C	
<u>Education:</u> • Educational institution. (9)		C	C	C	
<u>Recreation :</u> (see also Division 5, Commercial Uses - Commercial Recreation) • Public park, public playground, public recreational area, public landscaped open space, public-owned historical site or feature. • Community recreation center.		P	P	P P	P C
<u>Utilities and Communications:</u> • Aviation navigational aids. • Public utility facilities or structures, including electrical substations and cellular telephone facilities.	C	C C	C C	C C	C
<u>Transportation:</u> • Parking lot.		C	C	C	C
Agricultural Uses					
• Horticultural production, plant nursery (no sales), keeping of livestock. (10) • Horticultural production, plant nursery (with sales) (11)				P C	
Temporary Uses					
• On-site construction facilities. (12)	P	P	P	P	P
• On-site real estate sales office. (13)	P	P	P	P	P

Division 3
Single Family Residential Zones
- Buena Park Zoning Ordinance -

Table 19.312.010 - cont'd.

USES PERMITTED - SINGLE FAMILY RESIDENTIAL ZONES	
Notes:	
1	Special requirements apply for second dwelling units. See Section 19.348.010.
2	Special requirements apply for home occupations. See Section 19.348.030.
3	Special requirements apply for animal keeping. See Section 19.348.050.
4	Permitted as an incidental use for a single family cluster housing development. See Section 19.348.020.
5	In the RS zones, carports and uncovered parking are permitted for parking spaces which are in addition to the required garage spaces.
6	Special requirements apply for yard sales. See Section 19.348.040.
7	Permitted with a conditional use permit as an incidental use provided that sufficient parking and circulation can be provided on the property and the hours of operation for the incidental use will not conflict with the primary use.
8	In all residential zones in which churches are permitted, such churches shall be located on and oriented to a major, primary, or secondary highway as defined and designated in the Buena Park General Plan.
9	Bingo games shall be permitted as an accessory use only when authorized under Chapter 5.16 et. seq. and only when fire and safety regulations are met and parking facilities are fully conforming to the requirements for public assembly use.
10	Applies to A Overlay Zone only. See Section 19.312.040.
11	Special requirements apply for agricultural uses. See Section 19.348.060.
12	Offices, storage, activities, and facilities directly pertaining to construction for a permitted use on the same site provided construction is not suspended for more than 30 consecutive days.
13	Temporary real estate sales office, only for sales or leasing of new subdivision and for not more than one year.
14	Permitted uses and intensity of use in the PD zone shall be determined in a public hearing, subject to the provisions of the General Plan for the individual area designated as Planned Development.
15	Special requirements apply for single family cluster developments. See Section 19.348.020.

19.312.020 Parking Overlay Classification.

Property located in an area shown on the zoning map with the symbol "P" may be used for a parking lot or parking structure as a primary use in lieu of, but not in combination with, other uses authorized for the underlying zone. Such parking use shall serve activities located in the same or adjacent zones. Yard, setback, and landscape requirements of the underlying zone shall apply.

19.312.040 Agricultural Overlay Classification.

A. Permitted Uses. Property located in an area shown on the Zoning Map with the symbol "A" may be used for the following agricultural activities in addition to the uses authorized for the underlying zone:

1. Horticultural production;
2. Plant nursery;
3. Orchards and tree crops;
4. Field crops, berry crops, bush crops, truck gardening;
5. Raising or keeping of livestock subject to the requirements of subsection C of this section;
6. Beekeeping, subject to the requirements of subsection D of this section.
7. Agricultural accessory uses and structures.

B. Lot Size. Notwithstanding the requirements of the underlying zone, the minimum lot size in the A Overlay Zone shall be fourteen thousand square feet.

C. Livestock. Raising or keeping of livestock shall be limited to domesticated animals such as rabbits, fowl, and not more than two horses, mules, cows, goats, sheep, or similar large animals in any combination. Any animal keeping structure for such animals shall be located at least:

1. One hundred feet from the front property line;
2. Thirty feet from any other property line;
3. Forty feet from any dwelling or other building used for human habitation, on either the subject or adjacent properties.

D. Beekeeping. Unless otherwise permitted by conditional use permit, not more than two bee colonies or beehives on a lot, with not more than two supers or honey-collecting cells per colony, provided:

1. Each hive or colony shall be located to the rear of a main structure and at least fifteen feet from every property line;
2. Such hives or colonies shall be the property of, and maintained by, the residents of the property upon which the hives are located;
3. An adequate water supply shall be provided on-site at all times;
4. All colonies are registered with the Orange County agricultural commissioner.

19.312.050 MU, Mixed Use Overlay Zone.

(RESERVED)

19.312.060 Single Family Residential Zone - Commercial Parties Prohibited.

A. Purpose and Intent. It is the purpose and intent of the City Council by the adoption of this section to prohibit parties conducted in a commercial manner within all single family residential zones in order to preserve the rights of residents to the quiet enjoyment of their property.

B. Definitions. For purposes of this section, the following words and phrases shall have the meanings set forth herein:

1. "Admission charge" means a tangible benefit, monetary or otherwise, which is expressly or implicitly required as a condition of admittance to a party. Customary courtesies and clearly noncommercial activity such as gifts by guests and voluntary

Division 3
Single Family Residential Zones
- Buena Park Zoning Ordinance -

sharing of expenses for meals shall not be considered to be an "admission charge". "Admission charge" shall not include donations for political, community service, charitable, or religious purposes.

2. "Party" means three or more persons meeting together for social, recreational, or amusement purposes.

C. Admission Charge Prohibited. No person or group of persons shall require, implicitly or expressly, any admission charge to any party conducted in any single family residential zone.

19.312.070 Interpretation of Uses Permitted.

Further definition and enumeration of uses permitted in the various zones may be determined by interpretation in accordance with Section 19.128.010.

Chapter 19.316 Development Standards - Buildings

Sections:

19.316.010	Buildings Required.
19.316.020	Building Type.
19.316.030	Building Materials.
19.316.040	Building Coverage.
19.316.050	Residential Building Floor Area.
19.316.060	Residential Garages and Carports.
19.316.070	Accessory Structures.
19.316.080	Space between Buildings.
19.316.090	Height of Structures.

19.316.010 Buildings Required.

- A. All activities and facilities, where permitted by other provisions of this Division, shall be enclosed within permanently constructed buildings.
- B. Outdoor activities, storage, and display may be permitted in accordance with Sections 19.312.010 and 19.324.020, and the regulations and limitations of Division 10, Title 19.
- C. Where a use is permitted by conditional use permit, temporary use permit, or special permit (see Division 10, Title 19), outdoor activities and temporary facilities may be authorized by the terms of such permit notwithstanding the provisions of this section.

19.316.020 Building Type.

Every building shall be designed or remodeled to accommodate its use in accordance with applicable building codes and other laws. A residential building shall not be occupied by a nonresidential primary use.

19.316.030 Building Materials.

- A. No building shall have a metallic exterior surface such as, but not limited to, galvanized, corrugated or interlocking metal sheets, unless the use of such metallic surface material is approved under the site plan review procedure (Section 19.128.040) for the purpose of enhancing the architectural quality of the building while preserving architectural harmony and compatibility with the surrounding area.
- B. The following structures shall be exempt from the provisions of this section:
 - 1. Storage sheds as an accessory structure to a single family dwelling which do not require building permits;
 - 2. Storage containers as a permitted temporary use which do not require building permits.

19.316.040 Building Coverage.

- A. The maximum building coverage of net lot area for all single family residential zones shall be 40%.
- B. The following shall be calculated as building coverage of a lot;
1. All roofed structures over 6 foot in height, with dimensions measured around the outside bearing walls and/or support columns of the structures, including covered breezeways and recessed entryways, as well as patio structures whether open-sided or enclosed, trellised, or solid-roofed.
 2. Decks, platforms, porches, or stoops, 18 inches or higher from the finished floor to the finished grade of the lot.
- C. Uncovered balconies and eaves, awnings, and other shading devices cantilevered from a structure shall not be considered as building coverage under this section.

19.316.050 Residential Building Floor Area.

The minimum floor area of each dwelling unit shall be as indicted in the table below. Attic and basement space, where the headroom is less than six and one-half feet, and garages and accessory buildings shall not be included as part of the required dwelling unit floor area.

Zone:	Minimum Floor Area
RS-16	2200 sq. ft.
RS-10	2200 sq. ft.
RS-8	1800 sq. ft.
RS-6	1100 sq. ft.

19.316.060 Residential Garages and Carports.

For required single-family residential garages, the minimum floor area and vehicular openings shall be as shown in Table 19.316.060. Carports may be permitted only in addition to the required garage and shall not be used in place of the required garage.

Table 19.316.060

SINGLE-FAMILY RESIDENTIAL GARAGES			
	Minimum Gross Floor Area	Minimum Clear Width of Vehicular Doors or Openings	
		One Opening	Two or More Openings
RS - 16 Zone	600 sq. ft.	16 ft.	8 ft. each
RS - 10 Zone	600 sq. ft.	16 ft.	8 ft. each
Other zones	440 sq. ft.	16 ft.	8 ft. each

19.316.070 **Accessory Structures.**

For the purpose of this section, accessory structures shall include those detached structures designed and intended for permitted accessory uses within the single family residential zones. For all single family dwellings, accessory structures shall be non-habitable with the exception of a guest house as a permitted use pursuant to Section 19.312.010. Furthermore, notwithstanding other provisions of this Division, the floor area of all accessory structures on a lot for a single family dwelling shall not exceed 50% of the residential floor area of the dwelling or 600 sq. ft., whichever is less, unless authorized by a conditional use permit pursuant to Section 19.128.020.

19.316.080 **Space between Buildings.**

A. In the residential zones, the minimum distance between buildings located on the same lot shall be 6 feet, or the buildings shall be attached as one structure with a minimum 10 ft. common wall or roofline.

B. **Permitted Building Projections.** The following building features may project a maximum 2.5' into the minimum required space between buildings;

1. Cantilevered eaves, awnings, and shading devices.
2. Architectural features - sills, cornices, buttresses, etc.
3. Chimneys and fireplaces, with a maximum 8' length.
4. Mechanical equipment cantilevered from building.

19.316.090 **Height of Structures.**

A. The maximum height of any building or structure shall be as shown in Table 19.316.090.

Table 19.316.090

HEIGHT LIMITS—RS ZONES	
Type of Building	Maximum Height
Main building	2 stories, not to exceed 30 feet.
Accessory building or structure	1 story , not to exceed 15 feet at peak of roof or 12 feet for a flat roofed structure.

B. **Antennae.** Notwithstanding the restrictions of subsection A of this section, radio, television, microwave antennae, and similar equipment shall be subject to the following regulations:

1. Ground-mounted antennae which are incidental or accessory uses are permitted to a height of sixty feet, unless permitted higher by a conditional use permit.
2. Roof-mounted antennae, which shall include dishes to a maximum of twenty-four inches in diameter, may be used but may not be more than twenty-five feet higher than the highest point of the building to which they are attached, excluding chimneys and like projections, unless permitted higher by the issuance of a conditional use permit.
3. Any antenna that is primary to the use shall be subject to the height limit established under a conditional use permit.

- Buena Park Zoning Ordinance -

Chapter 19.320 Development Standards - Yards and Related Encroachments

Sections:

19.320.010	Future Rights-of-Way.
19.320.020	Front Yard
19.320.030	Side Yard.
19.320.040	Rear Yard.
19.320.050	Zero Side or Rear Yard.
19.320.060	Zero Residential Side Yard.
19.320.070	Pedestrian Access to Dwelling.

19.320.010 Future Rights-of-Way.

A. This section is applicable only where a portion of a lot is within an area planned to be part of a future street, alley, or other public right-of-way as determined from an officially adopted plan, and the acquisition of such portion would not reduce the buildable lot width to less than forty feet.

B. All required setbacks, yards, and open areas shall be provided in addition to the future right-of-way areas, and the future right-of-way lines shall be considered to be lot lines for purposes of measuring such other setbacks, yards, and open areas.

C. Permitted Encroachments. The following encroachments are permitted within the future rights-of-way area:

- 1.** Utility-owned pole lines within approved easements.
- 2.** Access walkways and driveways.
- 3.** Uncovered parking - to the same extent as permitted in adjoining front, side, or rear yard.
- 4.** Storage (vehicles for over 24 hours, trash areas, other permitted outdoor storage) - to the same extent as permitted in adjoining side or rear yard.
- 5.** Recreation facilities which are subject to building permit (play equipment, play structure, playhouse, etc.) - to the same extent as permitted in adjoining side or rear yard.
- 6.** Real estate signs.
- 7.** Fences, walls, hedges, and berms - to the same extent as permitted in adjoining front, side, or rear yard.
- 8.** Landscaping, other than hedges.

19.320.020 Front Yard

A. In the RS Zones, the minimum required front yard shall be 20 feet.

B. **Permitted Building Projections.** The following building projections, with a minimum 17.5' setback from the front property line, are permitted within the minimum required front yard:

1. Cantilevered eaves, awnings, and shading devices.
2. Architectural features - sills, cornices, buttresses, etc.
3. Chimneys and fireplaces, with a maximum 8' length along a wall.
4. Uncovered porches, platforms, patio slabs, decks, stoops, steps, planters, etc., with a minimum 14' setback from the front property line and less than 18 inches in height measured from the finished deck or tread to the finished grade except that open type railings may extend 3.5' above deck or tread.

C. **Other Permitted Encroachments.** The following other encroachments are permitted within the minimum required front yard:

1. Utility-owned pole lines within approved easements.
2. Access walkways and driveways.
3. Uncovered parking, permitted in driveway only.
4. Real estate signs.
5. Fences, walls, and hedges, subject to the allowable fence height and design requirements of Chapter 19.328.
6. Landscaping, other than hedges.

19.320.030 Side Yards.

Side yards shall be provided according to the following types: a side yard, not abutting a street, a side yard, abutting a street for a reversed corner lot, and a side yard, abutting a street for other corner lots. By definition, a "Reversed Corner Lot" is a lot where the side lot line is substantially a continuation of the front lot line of the lot to the rear of the subject corner lot, whether or not separated from the subject lot by an alley.

A. **RS-6, RS-8 Zones - Side Yards.**

1. In the RS-6 and RS-8 zones, the minimum required side yards shall be as indicated below:

Side Yard,
not
abutting a street

5 feet

Side Yard,
abutting a street
for a Reversed Corner Lot

10 feet

Side Yard,
abutting a street
for other Corner Lots

10 feet

Division 3
Single Family Residential Zones
 - Buena Park Zoning Ordinance -

2. RS-6, RS-8 Zones - Side Yards, Permitted Building Projections. In the RS-6 and RS-8 zones, certain building projections are permitted in the minimum required side yards as indicated in Table 19.320.030-A. Minimum setbacks indicated in the table are measured from the applicable side property line.

Table 19.320.030-A

PERMITTED BUILDING PROJECTIONS IN SIDE YARD RS-6, RS-8 ZONES			
Type of Projection	SIDE YARD		
	Not Along a Street	Along a Street	
		Reversed Corner Lot	Other Corner Lot
a. Eaves, awnings, and shading devices.	Permitted, with 2.5 ft. min. setback	Permitted, with 7.5 ft. min. setback	Permitted, with 7.5 ft. min. setback
b. Sills, cornices, buttresses, etc.	Permitted, with 2.5 ft. min. setback	Permitted, with 7.5 ft. min. setback	Permitted, with 7.5 ft. min. setback
c. Chimneys and fireplaces with 8 ft. max. length along wall.	Permitted, with 2.5 ft. min. setback	Permitted, with 7.5 ft. min. setback	Permitted, with 7.5 ft. min. setback
d. Mechanical equipment, cantilevered from building.	Permitted, with 2.5 ft. min. setback	Not Permitted	Permitted, with 7.5 ft. min. setback
e. Patio slabs, decks, stoops, planters, etc., with a max. 18 inch height, except railing may extend 3.5 ft. above deck or tread. Railing must be open-type where required by Chapter 19.328.	Permitted	Permitted, with 4 ft. min. setback	Permitted

B. RS-10, RS-16 Zones - Side Yards.

1. In the RS-10 and RS-16 zones, the minimum required side yards shall be as shown in the table below:

**Side Yard,
not
abutting a street**

10 feet

**Side Yard,
abutting a street
for a reversed corner lot**

15 feet

**Side Yard,
abutting a street
for other corner lots**

15 feet

Division 3
Single Family Residential Zones
- Buena Park Zoning Ordinance -

2. RS-10, RS-16 Zones - Side Yards, Permitted Building Projections.
In the RS-10 and RS-16 zones, certain building projections are permitted in the minimum required side yards as indicated in Table 19.320.030-B. Minimum setbacks indicated in the table are measured from the applicable side property line.

Table 19.320.030-B

PERMITTED BUILDING PROJECTIONS IN SIDE YARD RS-10, RS-16 ZONES			
Type of Projection	SIDE YARD		
	Not Along a Street	Along a Street	
		Reversed Corner Lot	Other Corner Lot
a. Main building, not exceeding 15 ft. in height within required side yard.	Permitted, with 5 ft. min. setback	Permitted, with 10 ft. min. setback	Permitted, with 10 ft. min. setback
b. Accessory building, with one story only and not over 15 ft. in height. (including patio structures)	Permitted, with 5 ft. min. setback	Permitted, with 10 ft. min. setback	Permitted, with 10 ft. min. setback
c. Eaves, awnings, and shading devices: • Not exceeding 15 ft. in height • Over 15 ft. high	Permitted, with: • 2.5 ft. min. setback • 7.5 ft. min. setback	Permitted, with: • 7.5 ft. min. setback • 12.5 ft. min. setback	Permitted, with: • 7.5 ft. min. setback • 12.5 ft. min. setback
d. Sills, cornices, buttresses, etc.: • Not exceeding 15 ft. in height • Over 15 ft. high	Permitted, with: • 2.5 ft. min. setback • 7.5 ft. min. setback	Permitted, with: • 7.5 ft. min. setback • 12.5 ft. min. setback	Permitted, with: • 7.5 ft. min. setback • 12.5 ft. min. setback
e. Chimneys and fireplaces with 8 ft. max. length along wall: • Not exceeding 15 ft. in height • Over 15 ft. high	Permitted, with: • 2.5 ft. min. setback • 7.5 ft. min. setback	Permitted, with: • 7.5 ft. min. setback • 12.5 ft. min. setback	Permitted, with: • 7.5 ft. min. setback • 12.5 ft. min. setback
f. Mechanical equipment, cantilevered from building: • Not exceeding 15 ft. in height • Over 15 ft. high	Permitted, with: • 2.5 ft. min. setback • 7.5 ft. min. setback	Not Permitted Not Permitted	Permitted, with: • 7.5 ft. min. setback • 7.5 ft. min. setback
g. Patio slabs, decks, stoops, planters, etc., with a max. 18 inch height, except railing may extend 3.5 ft. above deck or tread. Railing must be open-type where required by Chapter 19.328.	Permitted	Permitted, with 4 ft. min. setback	Permitted
h. Balcony, not exceeding 15 ft. in height with a 7 ft. minimum headroom below	Permitted, with 5 ft. min. setback	Permitted, with 10 ft. min. setback	Permitted, with 10 ft. min. setback

Division 3
Single Family Residential Zones
- Buena Park Zoning Ordinance -

C. All RS Zones - Side Yards, Other Permitted Encroachments. In all RS zones, certain other encroachments in the minimum required side yards are permitted as shown in Table 19.320.030-C.

Table 19.320.030-C

OTHER PERMITTED ENCROACHMENTS IN SIDE YARD ALL RS ZONES			
Type of Encroachment	SIDE YARD		
	Not Along a Street	Along a Street	
		Reversed Corner Lot	Other Corner Lot
a. Mechanical equipment, freestanding with 5 ft. maximum height, subject to screening requirements.	Permitted	Not Permitted	Permitted
b. Utility-owned pole lines in approved easements.	Permitted	Permitted	Permitted
c. Other above-ground utilities-owned facilities - transformer boxes, pedestal terminals, etc., with 5 ft. max. height, subject to screening requirements.	Permitted (in approved easements)	Not Permitted	Permitted (in approved easements)
d. Swimming and therapeutic pools, including above-ground installations and subject to fencing requirements.	Permitted, with 5 ft. min. setback	Not Permitted	Permitted, with 5 ft. min. setback
e. Decorative pool, with max. 18 " depth.	Permitted	Not Permitted	Permitted
f. Parking, uncovered only.	Permitted, subject to screening, land- scaping, and wall requirements	Permitted, temporary in driveway only	Permitted, subject to screening, land- scaping, and wall requirements
g. Storage of vehicles over 24 hours, trash areas, other permitted outdoor storage.	Permitted, if screened from public view.	Not Permitted	Permitted, if screened from public view.
h. Access driveways and walkways.	Permitted	Permitted	Permitted
i. Recreational facilities, which are subject to building permits - play equipment, play structure, play house, etc.	Permitted	Not Permitted	Permitted
j. Real estate signs.	Not Permitted	Permitted	Permitted
k. Fences, walls, hedges, and berms, subject to the allowable height and design requirements of Chapter 19.328.	Permitted	Permitted	Permitted
l. Landscaping, other than hedges.	Permitted	Permitted	Permitted

19.320.040 Rear Yard.

A. In all RS zones the minimum required rear yard shall be 25 feet

B. **RS-6, RS-8 Zones - Rear Yards, Permitted Building Projections.** In the RS-6 and RS-8 zones, certain building projections are permitted in the minimum required rear yard as shown in Table 19.320.040-B. Minimum setbacks indicated in the table are measured from the rear property line.

Table 19.320.040-B

PERMITTED BUILDING PROJECTIONS IN REAR YARD RS-6, RS-8 ZONES		
Type of Projection	Rear Yard	
	Not Along a Street	Along a Street
a. Main structure, as an addition to an existing dwelling only. (see note 1)	Permitted, with 5 ft. min. setback	Permitted, with 10 ft. min. setback
b. Accessory building, as an addition to an existing dwelling only - one story only, not over 15 ft. in height. (including patio structures) (see note 1)	Permitted, with 5 ft. min. setback	Permitted, with 5 ft. min. setback
c. Eaves, awnings, and shading devices.	Permitted, with 2.5 ft. min. setback	Permitted, with 2.5 ft. min. setback
d. Sills, cornices, buttresses, etc.	Permitted, with 2.5 ft. min. setback	Permitted, with 2.5 ft. min. setback
e. Chimneys and fireplaces with 8 ft. max. length along wall.	Permitted, with 2.5 ft. min. setback	Permitted, with 2.5 ft. min. setback
d. Mechanical equipment, cantilevered from building.	Permitted, with 2.5 ft. min. setback	Permitted, with 7.5 ft. min. setback
g. Patio slabs, decks, stoops, planters, etc., with a max. 18 inch height, except railing may extend 3.5 ft. above deck or tread. Railing must be open-type where required by Chapter 19.328.	Permitted	Permitted
h. Balconies (see note 1).	Permitted, with 5 ft. min. setback	Permitted, with 10 ft. min. setback
Note: 1 For an existing dwelling in the RS zones, building coverage may be permitted in the rear yard with the addition of accessory buildings and/or an addition to the main building, including patio structures and balconies, provided that a minimum 70 percent of the minimum required rear yard remains open.		

C. RS-10, RS-16 Zones - Rear Yards, Permitted Building Projections. In the RS-10 and RS-16 zones, certain building projections are permitted in the minimum required rear yard as shown in Table 19.320.040-C. Minimum setbacks indicated in the table are measured from the rear property line.

D. All RS Zones - Rear Yards, Other Permitted Encroachments. In all RS zones, certain other encroachments in the minimum required rear yards are permitted as shown in Table 19.320.040-D.

19.320.050 Zero Side or Rear Yard.

Where no side or rear yard is required or where a zero side yard is permitted, any building or structure shall be located either at the property line or at least three feet from the property line.

19.320.060 Zero Residential Side Yard.

In the residential zones, where the lots on both sides of a property line are being developed anew (with all existing buildings on both lots being removed), a zero side yard, in lieu of the side yard otherwise required, may be provided on one or both sides of the property line, provided:

A. Any building wall along the property line shall be of a sound-absorbing type in accordance with standards adopted pursuant to Section 19.124.050.

B. An agreement or covenant between the property owners involved and running with the land, in a form acceptable to the Director, shall be recorded setting forth acceptance of the physical arrangement and, providing that failure to maintain such wall to the prescribed standard shall obligate each party to conform to the otherwise applicable yard regulations.

19.320.070 Pedestrian Access to Dwelling.

For every single-family dwelling, there shall be a clear passageway from a street property line to at least one entrance to such dwelling, with a minimum 7 foot width and an 8 foot height between the walls of any structure(s) with the exception of architectural features such as sills, cornices, buttresses, and etc.

Table 19.320.040-C

PERMITTED BUILDING PROJECTIONS IN REAR YARD RS-10, RS-16 ZONES		
Type of Encroachment	Rear Yard	
	Not Along a Street	Along a Street
a. Main structure, as an addition to an existing dwelling only. (see note 1): • Not exceeding 15 ft. in height • Over 15 ft. in height	Permitted, with: • 10 ft. min. setback • 15 ft. min. setback	Permitted, with: • 10 ft. min. setback • 15 ft. min. setback
b. Accessory building, as an addition to an existing dwelling only - one story only, not over 15 ft. in height. (including patio structures) (see note 1)	Permitted, with 10 ft. min. setback	Permitted, with 10 ft. min. setback
c. Eaves, awnings, and shading devices: • Not exceeding 15 ft. in height • Over 15 ft. high	Permitted, with: • 7.5 ft. min. setback • 12.5 ft. min. setback	Permitted, with: • 7.5 ft. min. setback • 12.5 ft. min. setback
d. Sills, cornices, buttresses, etc.: • Not exceeding 15 ft. in height • Over 15 ft. high	Permitted, with: • 7.5 ft. min. setback • 12.5 ft. min. setback	Permitted, with: • 7.5 ft. min. setback • 12.5 ft. min. setback
e. Chimneys and fireplaces with 8 ft. max. length along wall: • Not exceeding 15 ft. in height • Over 15 ft. high	Permitted, with: • 7.5 ft. min. setback • 12.5 ft. min. setback	Permitted, with: • 7.5 ft. min. setback • 12.5 ft. min. setback
f. Mechanical equipment, cantilevered from building. • Not exceeding 15 ft. in height • Over 15 ft. in height	Permitted, with • 7.5 ft. min. setback • 12.5 ft. min. setback	Permitted, with • 7.5 ft. min. setback • 12.5 ft. min. setback
g. Patio slabs, decks, stoops, planters, etc., with a max. 18 inch height, except railing may extend 3.5 ft. above deck or tread. Railing must be open-type where required by Chapter 19.328.	Permitted	Permitted
h. Balconies (see note 1). • Not exceeding 15 ft. in height • Over 15 ft. high	Permitted, with: • 10 ft. min. setback • 15 ft. min. setback	Permitted, with: • 10 ft. min. setback • 15 ft. min. setback
Note: 1 For an existing dwelling in the RS zones, building coverage may be permitted in the rear yard with the addition of accessory buildings and/or an addition to the main building, including patio structures and balconies, provided that a minimum 70 percent of the minimum required rear yard remains open.		

Division 3
Single Family Residential Zones
- Buena Park Zoning Ordinance -

Table 19.320.040-D

OTHER PERMITTED REAR YARD ENCROACHMENTS ALL RS ZONES		
Type of Encroachment	Rear Yard	
	Not Along a Street	Along a Street
a. Mechanical equipment, freestanding with 5 ft. maximum height, subject to screening requirements.	Permitted	Permitted, only where a screening fence is permitted.
b. Utility-owned pole lines in approved easements.	Permitted	Permitted
c. Other above-ground utilities-owned facilities - transformer boxes, pedestal terminals, etc., with 5 ft. max. height, subject to screening requirements.	Permitted (in approved easements)	Permitted (in approved easements)
d. Swimming and therapeutic pools, including above-ground installations and subject to fencing requirements.	Permitted, with 5 ft. min. setback	Permitted, with 5 ft. min. setback
e. Decorative pool, with max. 18 " depth.	Permitted	Permitted
f. Parking, uncovered only.	Permitted, subject to screening, land- scaping, and wall requirements	Permitted, subject to screening, land- scaping, and wall requirements
g. Storage of vehicles over 24 hours, trash areas, other permitted outdoor storage.	Permitted, if screened from public view.	Permitted, if screened from public view.
h. Access driveways and walkways.	Permitted	Permitted
i. Recreational facilities, which are subject to building permits - play equipment, play structure, play house, etc.	Permitted	Permitted
j. Real estate signs.	Permitted	Permitted
k. Fences, walls, hedges, and berms, subject to the allowable height and design requirements of Chapter 19.328.	Permitted	Permitted
l. Landscaping, other than hedges.	Permitted	Permitted

Single Family Residential Zones
- Buena Park Zoning Ordinance -

Chapter 19.324 Development Standards - Outdoor Improvements

Sections:

- 19.324.010 Trash Storage Facilities.
- 19.324.020 Outdoor Storage and Display.

19.324.010 Trash Storage Facilities.

- A. All refuse shall be stored within trash containers which meet City standards. Except when temporarily placed for pickup, all such containers shall be located or screened so as not to be in public view.
- B. Except for a temporary use, any non-residential use in the residential zones shall comply with the trash storage requirements for commercial uses under Division 5.

19.324.020 Outdoor Storage and Display.

- A. **Outdoor Storage.** Outdoor storage of materials, equipment or other items is permitted, subject to all other limitations of this ordinance and other laws. Outdoor storage shall not be located in any required parking area or accessway, in any front yard, in any area required to be landscaped, or in any area where a six-foot-high fence is not permitted.
- B. **Outdoor Display.** Temporary outdoor displays are permitted when authorized as part of a special events sale under Title 19, Division 10, or as part of a yard sale authorized under Section 19.348.040.

Chapter 19.32A Development Standards - Outdoor Improvements

Section 19.32A.010

19.32A.010

19.32A.010

19.32A.010
Outdoor Storage and Display

19.32A.010 Trash Storage Facilities

- A. All trash storage facilities shall be located within the rear yard of the property and shall be screened by a solid fence or wall at least six feet high. The fence or wall shall be constructed of a material that is not easily damaged by fire and shall be painted or stained to match the surrounding landscape. The fence or wall shall be located at least ten feet from the property line and shall be at least six feet from the street. The fence or wall shall be at least six feet from the street.
- B. Trash storage facilities shall be located within the rear yard of the property and shall be screened by a solid fence or wall at least six feet high. The fence or wall shall be constructed of a material that is not easily damaged by fire and shall be painted or stained to match the surrounding landscape. The fence or wall shall be located at least ten feet from the property line and shall be at least six feet from the street. The fence or wall shall be at least six feet from the street.

19.32A.020 Outdoor Storage and Display

- A. Outdoor storage and display shall be limited to a maximum of 100 cubic feet of storage and display per lot. The storage and display shall be located within the rear yard of the property and shall be screened by a solid fence or wall at least six feet high. The fence or wall shall be constructed of a material that is not easily damaged by fire and shall be painted or stained to match the surrounding landscape. The fence or wall shall be located at least ten feet from the property line and shall be at least six feet from the street. The fence or wall shall be at least six feet from the street.
- B. Outdoor storage and display shall be limited to a maximum of 100 cubic feet of storage and display per lot. The storage and display shall be located within the rear yard of the property and shall be screened by a solid fence or wall at least six feet high. The fence or wall shall be constructed of a material that is not easily damaged by fire and shall be painted or stained to match the surrounding landscape. The fence or wall shall be located at least ten feet from the property line and shall be at least six feet from the street. The fence or wall shall be at least six feet from the street.

Chapter 19.328 Development Standards - Fences, Walls, Hedges, and Berms

Sections:

19.328.010	General Requirements.
19.328.020	Fence Height.
19.328.030	Fence Materials and Design.
19.328.040	Double Fences.

19.328.010 General Requirements.*

A. No fence shall be constructed within the residential zones until the plans and design for such fence shall have been approved pursuant to the zoning compliance review procedure (Section 19.128.090). In addition, a fence may require a building permit from the Building Division.

B. All fences, whether required or not, shall be located and limited in accordance with provisions of this Division.

C. Fences are required under various provisions of this Division and other laws, including, but not limited to, the screening and protection of parking areas, storage areas, swimming and therapeutic pools, and utility facilities. Such required fences together with the facilities and activities required to be enclosed shall be located so as not to conflict with open space and yard setback requirements.

D. Conflict with State Law. In the case of fencing requirements pursuant to state law which unavoidably conflict with the requirements of this Division, the state requirements shall prevail.

*As defined in Section 19.104.080, the term "fence" as used in this Division means fence, freestanding wall, hedge, or berm unless otherwise specifically stated.

19.328.020 Fence Height.

A. A maximum 2 foot high solid fence may be permitted anywhere on a lot.

B. A maximum 3.5 foot high fence which is not view-obscuring, such as wrought iron or split-rail, may be permitted anywhere on a lot.

C. Elsewhere, a 7 foot maximum height fence may be permitted with exceptions of the following required yards and areas.

1. Within the required 20 foot front yard, measured from the street property line.

2. Within the required 10 foot side yard adjacent to a street for a reversed corner lot, measured from the street property line.

D. Except as restricted above, the maximum height of any fence in residential zones shall be seven feet, except where a greater height is required for noise reduction as determined by an acoustical analysis.

19.328.030 Fence Materials and Design.

- A.** All fences in every zone, whether required or not, shall:
 - 1.** Utilize no salvaged materials unless reconditioned or refinished;
 - 2.** Be suitably finished on both sides unless the applicant prefers the lesser finish facing his property, such as stringers on interior for security purposes and stucco versus non-stucco finish;
 - 3.** Utilize colors and materials that are compatible with the property and neighborhood;
 - 4.** All fences shall be maintained in good repair and appearance.
- B.** In the RS-6 zone, there shall be no wire fences, other than chain link.
- C.** In the RS-16, RS-10, and RS-8 zones:
 - 1.** Chain link or wire fences are prohibited;
 - 2.** All fences exposed to public view shall be ornamental fences;
 - 3.** Any portion of a fence above a height of 2 feet and located in any yard which abuts a golf course shall not obstruct the view through more than 25 percent of the area of the vertical plane occupied by that portion of the fence.
- D. Vision Clearance Area.** Any fence within a required vision clearance area adjacent to any driveway or alley where it intersects with a public street, as further defined under section 19.336.030, shall not be a view-obscuring fence. The design of such fence shall not obscure sight through more than 25 percent of the area in the vertical plane between the height of 2 feet and 7 feet.
- E.** Any masonry wall shall be of a minimum 6 inch wide block construction. In addition, the wall shall be of ornamental masonry in earthtone colors compatible with the structures on the property. Standard grey or pink block shall not be considered as ornamental masonry and may not be used except to match existing adjacent walls.

19.328.040 Double Fences.

- A.** Any parallel fences constructed with less than 3 ft. separation shall be considered double fences. It is the intent of the City to discourage double fences whenever possible in order to avoid areas in which children and animals may become lodged, areas which may encourage rodent infestation, and areas which may accumulate litter, debris, and weeds.
- B.** In instances where double fences are unavoidable, the gap between the fences shall be completely sealed with flashing, cement cap, or other material in a manner acceptable to the Planning and Building Divisions.
- C.** Where a new fence is required along a property line and an existing fence or wall is located on the opposite side of the property line, the Director may suspend the requirement for the new fence provided that the existing fence can substantially satisfy all requirements of this Division and/or any conditions of an approval. Such suspension shall become null and void once the adjacent wall or fence is removed or found unacceptable by the Director and the requirement for the new fence shall be complied with at such time.

Chapter 19.332 Development Standards - Landscaping

Sections:

- | | |
|-------------------|---|
| 19.332.010 | Landscape Provisions for Residential Uses. |
| 19.332.020 | Landscape Provisions for Non-residential Uses. |

19.332.010 Landscape Provisions for Residential Uses.

- A.** For residential uses in the RS zones, all required yards which abut streets shall be permanently landscaped except for any portion of such yards occupied by permitted encroachments or located inside permitted fences at least six feet high.
- B.** Furthermore, for all single-family residential uses, a minimum of 30% of each required yard abutting a street shall be permanently maintained with landscaping. The requirement of this section shall not preclude the provision of access walkways and driveways which meet other minimum requirements of this Division.

19.332.020 Landscape Provisions for Non-residential Uses.

- A.** For non-residential uses permitted in the RS zones, all portions of a developed site not occupied by other permitted facilities shall be permanently landscaped in accordance with subsection B of this section and with the landscape and irrigation requirements of Chapter 19.532, Division 5 for commercial uses.
- B. Buffer Fence and Landscaping Abutting RS-zoned Property.** For any permitted non-residential use in the RS zones with parking located adjacent to residentially zoned property, an ornamental block fence with a minimum 6 ft. height and a minimum 5 ft. wide planter shall be provided along the property line as a buffer.

Division 3
Single Family Residential Zones
- Buena Park Zoning Ordinance -

CHAPTER 19.02 - Development Standards

19.02.010 - Purpose

Section: 19.02.010 - Purpose
The purpose of this chapter is to establish minimum standards for development in the Single Family Residential Zones. These standards are intended to ensure that development is consistent with the goals and objectives of the Buena Park Zoning Ordinance and to provide a fair and equitable process for reviewing and approving development proposals.

19.02.020 - Land Use Designation

Section: 19.02.020 - Land Use Designation
The land use designation for the Single Family Residential Zones is "Single Family Residential." This designation is intended to encourage the development of single-family detached homes and related uses that are compatible with the residential character of the area. The land use designation shall be used to guide the review and approval of development proposals in the Single Family Residential Zones.

19.02.030 - Lot Size

Section: 19.02.030 - Lot Size
The minimum lot size for development in the Single Family Residential Zones shall be 5,000 square feet. This minimum lot size is intended to ensure that development is consistent with the goals and objectives of the Buena Park Zoning Ordinance and to provide a fair and equitable process for reviewing and approving development proposals. The minimum lot size shall be used to guide the review and approval of development proposals in the Single Family Residential Zones.

Chapter 19.336

Development Standards - Vehicular Provisions

Sections:

- | | |
|------------|--|
| 19.336.010 | Street Dedication and Improvement. |
| 19.336.020 | Vehicular Provisions for Non-residential Uses. |
| 19.336.030 | Vision Clearance. |
| 19.336.040 | Residential Driveway Standards. |
| 19.336.050 | Parking Spaces Required. |
| 19.336.060 | Residential Parking Location. |
| 19.336.070 | Residential Parking Dimensions and Layout. |
| 19.336.080 | Residential Parking Improvements. |

19,336.010 Street Dedication and Improvement.

No building permit shall be issued until the following requirements are met:

- A.** All streets, alleys, and other public rights-of-way shown on plans approved by the City Council and which abut the subject property shall be dedicated to the planned right-of-way line or a deed of dedication deposited in escrow with an escrow agent acceptable to the City Attorney, the delivery of which is conditioned upon the required permit being granted.
- B.** All improvements of streets, alleys, and other public rights-of-way which abut the subject property and are required in order to conform to improvement standards approved by the City Council shall be installed, or a performance bond, in a reasonable amount to be determined by the City Engineer, with sureties to be approved by the City Attorney, shall be filed with the City Clerk, or cash in a like amount shall be deposited with the Finance Director, to be placed in a trust fund.

19.336.020 Vehicular Provisions for Non-residential Uses.

With the exception of required yards and setbacks (see Chapter 19.320) and the landscape buffer requirement of Section 19.332.020, the vehicular provisions of Chapter 19.536, Division 5 for commercial uses shall apply for any permitted non-residential use in the RS zones.

19.336.030 Vision Clearance.

- A.** Vision clearance areas shall be provided as follows:
- 1.** On any corner lot: a triangular area at the street intersection measuring fifteen feet along each street property line (or the projections thereof parallel to the centerlines of the streets) from the point of intersection of such property lines (or the projections thereof);
 - 2.** At the intersection of an alley with a street, or at the intersection of two alleys, or at an angle point where the alignment of an alley changes by sixty degrees or more: a triangular area measuring fifteen feet along each street or alley property line from the point of intersection of the property lines;

3. At any driveway entrance from or exit to a street: triangular areas on each side of the driveway measuring fifteen feet along the street property line and fifteen feet along the edge of the driveway from the point of intersection of the edge of the driveway with the street property line.

B. Within a required vision clearance area, there shall be no obstruction to sight between two feet and seven feet above the established street grade with any fence, tree, shrub, or other obstruction. Where the vision clearance area for an existing driveway falls on adjacent property, no additional obstruction in the two-foot to seven-foot height range shall be placed in the vision clearance area except a fence which meets the fence design criteria for vision clearance areas under Section 19.328.030. Where existing obstructions exist on adjacent property in the two-foot to seven-foot height range, any new driveway constructed on the subject property shall be located so as to not have any such obstructions in its vision clearance areas.

C. **Permitted Encroachments.** The following encroachments are permitted within the minimum required vision clearance area:

1. Utility-owned pole lines within approved easements.
2. Access walkways.
3. Fences, walls, hedges, and berms, subject to the design criteria under Section 19.328.030.
4. Landscaping, other than hedges, not over 2' high.

19.336.040 Residential Driveway Standards.

A. In case of any conflict between the requirements of this section and any safety requirements pursuant to the Fire Code, the Fire Code requirements shall prevail.

B. Every garage, carport, parking area, or other off-street vehicular area shall be connected to one or more public streets or alleys by one or more driveways meeting the standards set forth in this section.

Table 19.336.040

DRIVEWAY WIDTHS		
Zone	Minimum Driveway Width	Maximum Driveway Width
RS-16, RS-10, RS-8, RS-6:		
Entry from street	10 feet	20 feet (1)
Entry from alley	10 feet	No limit
(1) A driveway can be expanded to 30 feet wide to provide direct access to a (three) 3 car garage with openings for 3 cars only.		

C. Driveway Width.

1. The width of any driveway shall be within the limits shown in Table 19.336.040.

2. Where the driveway approach width at the street property line required by the City Engineer pursuant to Title 12 is different from the driveway width required by this section, a variable width transition segment outside the street right-of-way shall be provided to provide a smooth connection.

3. **Permitted Encroachments.** The following encroachments are permitted within the required minimum driveway width:

Division 3
Single Family Residential Zones
- Buena Park Zoning Ordinance -

- a. Projections from buildings, with the minimum required height clearance of subsection D of this section, such as:
 - i. Cantilevered eaves, awnings, and shading devices.
 - ii. Architectural features - sills, cornices, buttresses, etc.
 - iii. Mechanical equipment cantilevered from building.
 - iv. Balconies, second floor overhangs, and porte cocheres.
- b. Utility-owned pole lines within approved easements.
- c. Access walkways.
- d. Uncovered parking permitted in driveway (not counted as required parking).
- e. Security gate, subject to vision clearance requirements of Section 19.336.030 and allowable fence height of Section 19.328.020.

D. Driveway Height Clearance. Within the required driveway width, there shall be no obstruction from the driveway surface to a height of eight feet. In addition, any portion of a driveway not covered by a building or porte cochere shall be unobstructed to a height of fourteen feet.

E. Driveway Curvature. The minimum turning radius for any curve in a driveway shall be twenty-five feet measured to the outside edge of the driveway.

F. Driveway Circulation Pattern.

- 1. Any garage or accessory building having vehicular entry facing an alley shall be located at least twenty-nine feet from the opposite side of the alley. Such garages shall have vehicular access only from the alley.
- 2. Any garage or carport with its vehicular entrance facing a street shall be set back at least twenty feet from the street property line in order to allow temporary parking in the driveway without obstructing any portion of a public right-of-way.
- 3. There shall be no circular driveway in a front yard area with two driveway entrances from the same street unless the street frontage on such street is one hundred twenty feet or more.

19.336.050 Parking Spaces Required.

In connection with the use of each lot, sufficient off-street parking space shall be provided to meet the demand created by all activities on the lot. The minimum requirements for each use shall be as shown in Table 19.336.050, entitled Parking Spaces Required. Additional requirements may be imposed, based upon substantiated estimates, as a condition of approval of a development under site plan review, conditional use permit, or other development approval procedure provided for in this Title. For uses or property for which no parking requirement is set forth in Table 19.336.050, nor previously determined under the interpretation procedure (Section 19.128.010), nor established under a development approval procedure, a parking requirement shall be determined for that type of use pursuant to the interpretation procedure set forth in Section 19.128.010.

Table 19.336.050

PARKING SPACES REQUIRED	
Use	Parking Spaces Required
RESIDENTIAL USES:	
• Single family dwelling .	2 garage spaces
Community residential care:	
• Small group care home.	2 spaces (in garage).
• Other community residential care facility.	To be determined under conditional use permit based on licensed capacity, type of care, and number of employees.
NON-RESIDENTIAL USES:	
(For parking space requirements of non-residential uses, refer to Chapter 19.536 of Division 5.)	

19.336.060 Residential Parking Location.

Required residential parking shall be located on the same lot as the residential dwelling.

19.336.070 Residential Parking Dimensions and Layout.

A. Required residential parking spaces in the RS zones shall have minimum 10 ft. width and 20 ft. length, with a minimum 25 ft aisle for access into the parking spaces where applicable and with a minimum garage floor area as required pursuant to Section 19.316.060.

B. There shall be a clear vehicular entry to every required parking space at least equal in width to the required width of the space, except that for spaces in residential garages or carports, the vehicular entry widths shall be at least equal to the minimum door or opening widths as required by Section 19.316.060.

C. Each parking space and aisle shall have a clear height of at least six and one-half feet, except a storage bin may project not more than two and one-half feet into the front of a parking space with a clear height from the parking surface of at least four feet. For all nonresidential parking areas and for residential visitor parking spaces, at least twenty percent of the spaces provided together with their associated parking aisles shall have a clear height of at least seven feet.

D. For permitted residential uses in the RS zones, other than a single family dwelling, the residential parking dimensions and layout provisions of Section 19.436.070 of Division 4 may apply upon the Director's approval.

19.336.080 Residential Parking Improvements.

A. Except as otherwise specified in this Title, parking may be provided in parking lots, carports, garages, or other parking structures.

B. **Drainage.** All areas for the movement, parking, loading, repair, or storage of vehicles shall be graded and drained to dispose of surface water. In all cases except single-family

Division 3
Single Family Residential Zones
- Buena Park Zoning Ordinance -

residential uses, drainage shall be arranged to prevent surface flow across walkways and driveways.

C. Paving.

1. With the exception of non-required parking spaces on single-family residential lots, all areas for the movement and parking of vehicles shall be paved and maintained to eliminate dust and mud, to provide an even, unbroken driving surface, and to present a uniform appearance.

2. In the RS Zones, all driveway approaches, driveways, required parking areas, and floors of carports and garages shall be portland cement concrete.

Section 10

10.340.010	Undergrounding of Utilities
10.340.020	Visual Screening of Mechanical Equipment
10.340.030	Communications Antennae Placement in Residential Zones
10.340.040	Radio-only Television, Satellite Dish, and Radio Antennae Placement in Residential Zones

10.340.010 Undergrounding of Utilities.

A. In accordance with the rules and regulations in effect for a city building, or a change of use to a residential use, all utility lines within the city boundaries shall be placed underground. Necessary transportation utility easements or permits, provided it is approved by the public works or the other agency as required for the related equipment as provided in Section 10.340.020.

B. The provisions of this section shall be subject to the provisions provided under Section 17.126.000.

10.340.020 Visual Screening of Mechanical Equipment.

A. All exterior equipment, whether mechanical or electrical, including fire control, and that shall be externally exposed from public view is hereby subject to required visual screening measures, with the following exceptions:

1. Utility lines on single-family lots;
2. Equipment within an existing urban or single-family dwelling;
3. Solar panel arrays that are designed to fit, fit, fit;
4. Certain landscape features.

B. It is the intent of the City to encourage all new construction to provide for any such equipment being the better designed by proper placement, etc. Existing equipment or equipment under construction may be subject to any other applicable design standards.

C. This shall include, but not be limited to, the following information:

1. The equipment;
2. All buildings and structures located on the lot and proposed use;
3. All walls, fences and landscaping, including, but not limited to, materials;
4. Landscaping or other means of screening as is required;
5. Equipment or equipment and proposed screening, including, but not limited to, materials and landscaping, etc.

Chapter 19.340 Development Standards - Utilities and Mechanical Equipment

Sections:

19.340.010	Undergrounding of Utilities
19.340.020	Visual Screening of Mechanical Equipment
19.340.030	Communications Antennae Placement in Residential Zones.
19.340.040	Receive-only Television, Satellite Dish, and Radio Antennae Placement in Residential Zones.

19.340.010 Undergrounding of Utilities.

A. In connection with the new construction or relocation of a main building, or a change of use to a nonresidential use, all utility lines within the site boundaries shall be placed underground. Necessary surface-mounted utility equipment is permitted, provided it is screened from public view in the same manner as required for mechanical equipment as provided in Section 19.340.020.

B. The provisions of this section may be waived pursuant to the procedure provided under Section 19.128.060.

19.340.020 Visual Screening of Mechanical Equipment.

A. All exterior equipment, whether freestanding or attached to a building, including pipes, conduit, and duct work shall be effectively screened from public view or architecturally integrated into a building structure, with the following exceptions:

- 1.** Ordinary vents on single-family dwellings;
- 2.** Window-mounted air conditioning units on single-family dwellings;
- 3.** Solar panel surfaces (but not supports, piping, etc.);
- 4.** Outdoor lighting standards and fixtures.

B. It is the intent of the City to encourage all new construction to provide for any such equipment during the initial design stages by parapets, penthouses, etc. Existing facilities, or those structures under construction may screen such equipment with architecturally designed screens.

C. Plan check (Retrofits). Applicant shall submit two copies of a plot plan which shall indicate clearly and by full dimensions the following information:

- 1.** Lot dimensions
- 2.** All buildings and structures: location, size, height, and proposed use.
- 3.** All walls, fences and landscaping: location, height, and materials.
- 4.** Location of equipment proposed to be installed.
- 5.** Elevations of equipment and proposed screening, depicting colors, materials, and dimensions of screening.

D. Design / Materials

1. Screening must be architecturally consistent with the facility in terms of design type and colors. Effective screening does not call attention to itself, but quietly complements the building.
2. No raw or untreated materials shall be used on roof or building mounts. Fire Code requirements for the particular use and/or building will determine the permitted combustible or non-combustible material.
3. On ground mounts, view obscuring ornamental block, wood, and earth berms with acceptable landscaping may be used to provide effective architectural screening, if the treatment is deemed to be consistent with the overall design concept.

E. Treatment of Above Grade Transformers; Meters; Gas Manifolds, etc.
It is the intent to encourage the placement of such equipment in underground vaults. If located above grade for a residential use, such equipment shall be placed in a side yard out of direct view from the street. If located above grade for a non-residential use, such equipment shall be screened from public view by an architectural screen and landscaping.

F. Maintenance. All screening devices shall be permanently maintained as a condition of the use.

19.340.030 Communications Antennae Placement in Residential Zones.

- A. Communication antennae (including guy wires, supports, and antennae elements) shall be permitted anywhere on a lot except in front or side yard setback areas abutting a street and in required rear and side yard setback areas.
- B. Communication antennae shall not be supported by wooden towers.

19.340.040 Receive-only Television, Satellite Dish, and Radio Antennae Placement in Residential Zones.

- A. **Receive-Only Antennae Weighing Less than Thirty-Five Pounds.**
 1. Any receive-only antenna weighing less than thirty-five pounds may be mounted in the rear yard, interior side yard, or on the roof of any residential structure, subject to all conditions hereinafter provided.
 2. Any receive-only antenna weighing less than thirty-five pounds may be mounted in the front yard or street side yard of any residence, subject to conditions hereinafter provided, upon receipt of an antenna permit obtained in accordance with the provisions of subsection E of this section.
- B. **Receive-Only Antennae Weighing Thirty-Five Pounds or More.**
 1. Each receive-only antenna weighing thirty-five pounds or more shall be installed in the rear yard, except as hereinafter provided.
 2. In the event overall quality of reception in the rear yard is not at least equal to that received by cable, or other circumstances preclude such installation, a permit may be obtained, in accordance with the provisions of subsection E of this section, authorizing the antenna to be located in order of preferred placement, in a side yard, on the roof of a structure, or in the front yard, subject to conditions hereinafter imposed.
- C. **Screening Required.**
 1. Each receive-only antenna visible to the public which has a surface area exceeding twenty square feet, or which is to be mounted in the front yard, shall be screened to the satisfaction of the City Planner or his designee. If such antenna is to be mounted directly, or through a supporting structure, to the ground, then such screening shall be accomplished through the use of appropriate plants, trees or shrubbery, and wood lattice or other material compatible with the residence or other structures. Plants, trees, or shrubs to be utilized for screening purposes shall have a minimum container volume of fifteen gallons at the time of planting. All such screening shall be on three sides and

shall be sufficiently high so as to screen ninety percent or more of the antenna from public view.

2. Each receive-only antenna with a surface area exceeding twenty square feet which is permitted to be roof mounted, shall be screened with materials compatible with the structure upon which such antenna is mounted and shall be screened to the satisfaction of the City Planner or his designee. Such screening shall be on at least three sides and shall be sufficiently high so as to screen at least ninety percent of the antenna from public view.

D. Conditions and Restrictions Applicable to All Receive-only Antenna Installations.

1. Location.

a. The preferred order of placement of any receive only antenna is rear yard first, then side yard, roof, and finally front yard.

b. No receive-only antenna, or its supporting structure, shall be installed in any required setback or in any other location which would impede emergency access to any portion of the subject property.

2. **Height.** No receive-only antenna shall exceed ten feet in height above the peak roof line of the structure upon which such antenna is mounted or ten feet above the peak roof line of the closest building or residential structure located on the subject property if such antenna is not to be roof mounted.

3. The provisions of Section 19.340.030 and this section hereinafter shall not be deemed to preempt or supersede contractual conditions, covenants and/or restrictions which may prohibit such antenna installation.

4. No receive-only satellite dish antenna shall exceed ten feet, six inches in diameter.

5. Each receive-only satellite dish antenna shall be earth-tone or neutral in color and shall be constructed of a "see-through" mesh or open grid design. Solid surface receive-only satellite dish antennae, such as solid white fiberglass designs, are prohibited unless completely screened from view at all times.

6. Nothing herein shall excuse any person from obtaining all permits otherwise required or from complying with any and all applicable local and State codes, laws and regulations pertaining to the installation of antennae and/or antenna supporting structures.

E. Receive-Only Antenna Permit Application.

1. Where a permit is required, or application therefor is authorized, under any provision of Section 19.340.030 or this section, each person desiring a permit shall apply to the City's Planning Division. The applicant shall provide a completed application on a form provided by the Planning Division containing at minimum, the following:

a. Name, address, and telephone number of the applicant,

b. The specific location where the applicant proposes to install the antenna, including a detailed description of the antenna design and any supporting structure proposed to be utilized, including size, weight, and such other information as the Planning Division may require,

c. Specific reasons as to why the antenna proposed to be installed should not be mounted in the rear yard, or otherwise, in accordance with the preferred order of placement, as herein prescribed,

d. If required herein, a description of the screening proposed to be utilized by the applicant,

e. A sketch or other drawing, satisfactory to the Director, showing:

i. Location of physical features on the subject property,

ii. Approximate dimensions (plus or minus one foot) of the subject lot and physical features thereon,

iii. The specific location where the antenna, and screening if required, are proposed to be installed,

Division 3
Single Family Residential Zones
- Buena Park Zoning Ordinance -

- iv. Any other physical features in the area of the subject property which applicant feels would adversely affect reception in those areas set forth herein as "preferred," and
 - v. The design of the antenna and proposed support structure,
 - f. A statement as to why the proposed antenna may not be satisfactorily installed, or will not satisfactorily function, in a preferred area, as prescribed herein,
 - g. A declaration made under penalty of perjury that either the property upon which the antenna is proposed to be installed is not subject to any contractual covenants, conditions, or restrictions, or alternatively, that any applicable contractual covenants, conditions, or restrictions do not preclude the installation of the antenna, as proposed by the applicant.
2. All applicants for an antenna permit may be required to show to the satisfaction of the Director that circumstances preclude installation in a preferred area, or that reception quality in the preferred area or areas is insufficient, as herein prescribed.
3. Any person aggrieved by any provisions of this section due to exceptional circumstances may apply for an antenna permit in accordance with the provisions of subsection E of this section.

Chapter 19.344 Development Standards - Environmental Effects

Sections:

19.344.010	Noise Control.
19.344.020	Compliance with Airport Environs Land Use Plan for Orange County.
19.344.030	Lighting.
19.344.040	Maintenance and Operation.

19.344.010 Noise Control.

In addition to the requirements of Title 8, the following noise standards shall be met where applicable:

A. Residential Acoustical Design.

1. For all dwelling and group quarters, the development shall be designed to achieve:

a. Within each main building, a community noise equivalent level (CNEL) not exceeding forty-five decibels;

b. In outdoor areas, a community noise equivalent level (CNEL) not exceeding sixty-five decibels, except that where it is not reasonably possible to achieve this objective, the development shall be designed to provide the lowest noise level reasonably possible within private open areas and/or common usable open areas of at least one hundred square feet per unit, with access to such area available to the residents of each unit.

2. Acoustical design and analysis shall be based upon the projected noise contours as shown in the noise element of the General Plan. For all new residential developments, an acoustical analysis shall be submitted to the City as follows:

a. For any residential development within a sixty decibel CNEL contour, an analysis by a professional architect, engineer, or building designer shall demonstrate that the required noise levels will be achieved.

b. For any residential development within a sixty-five-decibels CNEL contour, or within either the moderate noise impact area or the significant noise impact area of the Fullerton Municipal Airport as shown in the noise element of the Buena Park General Plan, an analysis by a professional mechanical or acoustical engineer shall demonstrate that the required noise levels will be achieved. Prior to issuing a certificate of occupancy, the Building Official may require tests by a qualified acoustical technician to confirm that the noise reduction achieved is sufficient to meet the requirements of this section.

B. Air Conditioning Equipment. Exterior air conditioning equipment, other than self-contained window-mounted units in single-family dwellings, shall have a sound rating number (SRN) no greater than 8.2 bels, in accordance with ARI (Air Conditioning and Refrigeration Institute) Standard 270, or the equivalent.

19.344.020 Compliance with Airport Environs Land Use Plan for Orange County.

(RESERVED)

19.344.030 Lighting.

A. Lighting on any premises shall be directed, controlled, screened, or shaded in such a manner as not to shine directly on surrounding premises. Where adjacent owners enter into a written agreement, which shall be recorded, for the joint illumination of their premises, their combined properties shall be considered as a single premises for purposes of this regulation.

B. Lighting on any premises also shall be controlled so as to prevent glare on driveways, walkways, and public thoroughfares.

C. The use of unshaded clear bulbs in exterior lighting is prohibited.

19.344.040 Maintenance and Operation.

All uses and activities shall be operated and maintained so as not to be hazardous, obnoxious, or offensive due to air pollution, odor, dust, smoke, gas, water pollution, noise, vibration, illumination, glare, electromagnetic disturbance or other radiation, or similar effects detrimental to public health, safety, and welfare. All federal, state, and local laws and regulations concerning environmental protection shall be complied with.

Chapter 19.348 Special Requirements for Certain Uses

Sections:

19.348.010	Second Dwelling Units.
19.348.020	Single Family Cluster Housing.
19.348.030	Home Occupations.
19.348.040	Yard Sales.
19.348.050	Animal Keeping.
19.348.060	Agricultural Use.

19.348.010 Second Dwelling Units.

A second dwelling unit shall be subject to the following requirements:

- A.** The parcel contains an existing single-family dwelling;
- B.** The applicant for the conditional use permit shall be an owner-occupant of the lot or parcel upon which the primary dwelling is situated;
- C.** The second dwelling unit provides complete, independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation;
- D.** The second dwelling unit shall comply with all height, setback, lot coverage, and other applicable zoning requirements of this Division, except that only one additional parking space shall be required for the second unit, provided that the existing dwelling meets current parking requirements as to the number of parking spaces within a garage;
- E.** The second unit is attached and is located within the living residence, except that an increase in floor area may not exceed ten percent of existing living area.

19.348.020 Single Family Cluster Housing.

A. Purpose. The purpose of this section is to encourage single-family residential design which contributes to community objectives for open space, energy conservation, and architectural harmony.

B. Density.

1. Where contiguous sites for four or more single-family dwelling units are to be developed, the dwelling unit density may be increased by up to twenty percent of the density otherwise allowed (as provided in Section 19.308.020). Approval of such density increase shall be accomplished as part of the subdivision map approval procedure (Title 18), and shall be based upon an objective evaluation of the degree to which the purposes of this section will be achieved by the design proposed in comparison with typical projects meeting the normal requirements of the City. In order to accomplish such evaluation, the conditional use permit review procedure prescribed by Section 19.128.020 shall be conducted concurrently with the tentative tract map procedure under Title 18 of this Code and the State Subdivision Map Act. If a cluster housing plan is approved, the recording of a final tract map shall be a condition of the conditional use permit approval.

Division 3
Single Family Residential Zones
- Buena Park Zoning Ordinance -

2. Notwithstanding other provisions of this Division, a project approved under this section may include lots to be held in separate ownership which do not meet the site requirements otherwise applicable, provided the project site as a whole, including any land parcels to be held in common, satisfies the overall density requirement established. If any land parcels to be held in common ownership are created, it shall be a condition of the tentative tract map and site plan approvals that an association of owners be established similar to that required for residential condominium projects under Section 19.448.030 of Division 4.

C. Development Standards.

1. Notwithstanding other provisions of this Division, an approval under this section may include waivers of the front, side, and rear yard and space between building regulations otherwise applicable if it is determined that the project design offers at least equal safety and privacy with superior environmental quality.

2. **Common Useable Open Area.** For single family cluster housing developments of 10 or more dwellings, a common usable open area shall be provided with at least two hundred square feet per dwelling unit for the first twenty units, plus one hundred fifty square feet per dwelling unit for each additional dwelling unit. The minimum dimension of such common usable open area shall be 10 ft. in each direction and the least horizontal dimension shall be at least one-third of the greatest horizontal dimension.

3. **Lot Coverage.** The lot coverage for individual lots within a single family cluster development may exceed the maximum allowable 40%, provided that the total lot coverage of all structures within the development does not exceed 40% of the net project area, excluding common vehicular streets, driveway aisles, and guest parking.

19.348.030 Home Occupations.

A. Purpose. The purpose of this section is to eliminate the detrimental effects of occupational activities in residential areas by setting forth reasonable and necessary limitations on such activities.

B. Uses Permitted. No home occupation shall be conducted which, in order to be successfully operated, would necessitate exceeding the limitations set forth in this section or any other provision of this Division.

C. Limitations.

1. Any sales activity shall be conducted only by mail or telephone.

2. The space occupied by home occupations shall be limited to one room in a dwelling unit. Garages and accessory buildings shall not be used for a home occupation.

3. There shall be no interior or exterior remodeling or change in appearance of a dwelling in order to accommodate a home occupation.

4. There shall be no signs or other structures except those permitted for a dwelling use in the zone.

5. There shall be no indoor or outdoor storage of materials or equipment pertaining to a home occupation.

6. Materials and equipment used in a home occupation shall be only of a type normally used in connection with household activities or hobbies.

7. Employment in a home occupation shall be limited to members of the resident family.

8. There shall be no transportation by commercial vehicle of materials or other items used in or produced by the home occupation.

9. No vehicular or pedestrian traffic shall be generated by the home occupation.

10. A home occupation shall not place any added burden or demand on utility services or community facilities.

Division 3
Single Family Residential Zones
- Buena Park Zoning Ordinance -

11. A home occupation shall not present any external evidence of nonresidential activity such as by appearance, noise, vibrations, odors, lighting, or signs.

19.348.040 Yard Sales.

A. Purposes. The purposes of this section are to control the nature and frequency of yard sales in residential areas in order to maintain the noncommercial character of such areas and to prevent excessive traffic congestion and noise in such areas.

B. Location, Frequency, and Time. In any RS zone, on any one lot in residential use, a yard sale may be conducted on not more than two consecutive days in any six-month period. Sales shall be conducted only between eight a.m. and sunset.

C. Limitations. Items displayed, offered, or sold at a yard sale shall be only household items which have been in regular use or storage for six months or more on the same premises.

19.348.050 Animal Keeping.

A. Purpose. The purpose of this section is to reasonably control the number and types of animals being maintained within the City in order to protect the peace, health, and safety of residents and to preserve the urban and suburban quality of the environment.

B. Animals Allowed. No animal shall be kept or maintained within the RS zones except as follows:

1. **Household Pets.** Not more than three dogs and three cats per household plus any unweaned litter from such pets not over six months old, and parrots, canaries, and other house birds of a similar nature. Rabbits and fowl (other than house birds) are prohibited except in an A Overlay Zone subject to the provisions of Section 19.312.040. In addition, the following types of animals may be kept as household pets: hamsters, guinea pigs, white rats, white mice, turtles, salamanders, newts, chameleons, kangaroo rats, not more than three nonpoisonous reptiles not over six feet long, any nonpoisonous toad, lizard or spider, and other animals of a similar nature as may be determined by interpretation pursuant to Section 19.128.010.

2. Beekeeping may be permitted only within the A Overlay Zone, subject to the requirements of Section 19.312.040.

3. Domesticated animals such as horses, mules, cows, goats, or sheep may be kept only within the A Overlay Zone subject to the requirements of Section 19.312.040.

4. Animals may be kept in an educational institution for the purpose of instruction, provided such animals are securely confined and properly cared for in a manner satisfactory to the Orange County poundmaster;

C. Limitations.

1. No person shall keep, maintain, or permit on any lot, parcel of land or premises under his control, any animal which by any sound or cry disturbs the peace and comfort of the inhabitants of the neighborhood or interferes with any person in the reasonable and comfortable enjoyment of life or property. Nor, shall any person maintain any animals in such a manner as to cause the breeding of flies or the creation of obnoxious odors, or in any manner which becomes or is a nuisance or health hazard.

2. All animals shall be kept under control at all times by leash, fences, pens, corrals, cages, or suitable enclosures within buildings.

3. All animal-keeping structures shall conform to any applicable zoning and building code requirements.

4. Any premises where animals are kept shall be open to reasonable inspection by City personnel and other public officers have responsibility for enforcement of animal-control regulations.

19.348.060 Agricultural Use.

A. Findings and Purpose. It is found that an agricultural use as a commercial enterprise may provide an acceptable interim land use for certain undeveloped or under-utilized properties within the City. The purpose of this section is to minimize any adverse effects with the surrounding properties.

B. Uses Permitted. Except for properties designated with the A Overlay Zone, the type and extent of agricultural uses, as well as any related uses, shall be established and restricted by the terms of a conditional use permit.

C. Site Requirements.

1. Except for property designated with the A Overlay Zone, the minimum lot area for an agricultural use shall be 4 acres.

2. The site for an agricultural use shall have a minimum frontage of 150 feet with a secondary or greater highway, as designated in the Buena Park General Plan.

D. Development Standards. All development standards including, but not limited to building design and materials, setbacks, and parking improvements shall be determined through the conditional use permit process.

Division 4 Multifamily Residential Zones

Chapters:

- | | |
|---------------|--|
| 19.404 | Purpose and Description of Multifamily Residential Zones |
| 19.408 | Intensity of Use and Site Requirements |
| 19.412 | Uses |
| 19.416 | Development Standards - Buildings |
| 19.420 | Development Standards - Yards and Open Space |
| 19.424 | Development Standards - Outdoor Improvements |
| 19.428 | Development Standards - Fences, Walls, Hedges, and Berms |
| 19.432 | Development Standards - Landscaping |
| 19.436 | Development Standards - Vehicular Provisions |
| 19.440 | Development Standards - Utilities and Mechanical Equipment |
| 19.444 | Development Standards - Environmental Effects |
| 19.448 | Development Standards - Special Requirements for Certain Uses |

Chapter 19.404 Purpose and Description of Multifamily Residential Zones

Sections:

- | | |
|------------|---------------------------------------|
| 19.404.010 | Purpose and General Plan Consistency. |
| 19.404.020 | Description of Zones. |

19.404.010 Purpose and General Plan Consistency.

The General Plan outlines goals and objectives, with regard to residential uses and development. The purpose of this Division is to implement those General Plan goals and objectives that relate to residential land use as follow:

- A. Create housing that is sufficiently diversified in size, type, and tenure to meet the housing needs of all households.
- B. Create housing opportunities that are sufficiently diversified in costs to meet the affordability needs of all City households.
- C. Develop residential environments within the City of Buena Park which are safe and attractive and which provide the City's residents with access to employment opportunities, community facilities, and proper services.
- D. Promote housing within the City which meets the special needs of the elderly, handicapped, minorities, and families, regardless of size.
- E. Encourage the availability of rental units within the City which meet the needs of all residents, including families of all sizes.
- F. Provide suitable sites within the City for housing development which accommodates a range of housing by type, size, location, price, and tenure.
- G. Promote desirable and satisfying residential living environments in the multifamily residential areas of the City and review proposed multifamily developments with consideration of the adopted "Architectural Design Guidelines for Multi-family Low and Medium Density Residential Developments", Resolution #8934.
- H. Protect those existing regions of the City for which noise environments are deemed acceptable as well as those regions deemed "noise sensitive."

19.404.020 Description of Zones.

The following multifamily residential zones, with their general purpose as indicated, have been created to implement the goals, objectives, and residential land use designations of the General Plan.

- A. **RMH, Mobile home Park Zone.** For the development and preservation of mobile home park communities which are attractive for permanent residence and include the facilities and services for such residence.
- B. **RM-10, Low-Density Multifamily Residential Zone.** For the development and preservation of relatively low-density garden apartments, town houses, condominiums, and other forms of attached dwellings in an attractive environment, with outdoor areas for both private and common use.

Division 4
Multifamily Residential Zones
- Buena Park Zoning Ordinance -

C. RM-20, Medium-Density Multifamily Residential Zone. For the development and preservation of medium-density apartments, condominiums, and group quarters in locations convenient to community commercial, recreational, and cultural activities.

D. Planned Development Zones. To provide for land uses and development standards to be tailored to individual sites. This land use designation requires that a master plan be prepared for each area so designated. The master plan must discuss development phasing, development intensities, amenities, design, and how the development is to conform with the guiding principals included in the Land Use Element of the General Plan for each area designated as Planned Development. It is intended to preclude incremental development which may be detrimental to the whole.

E. Overlay Zones. The following special designations are established which may be combined by notation on the Zoning Map with any of the zones listed above in order to accomplish the additional purposes indicated below:

1. MU, Mixed Use Overlay Zone.

(RESERVED)

Chapter 19.408 Intensity of Use and Site Requirements

Sections:

19.408.010	Residential Zone Densities with No Bonuses.
19.408.020	Site Area Bonus—Multi-family Zones.
19.408.030	Affordable Housing Bonus.
19.408.040	Fractional Results.
19.408.050	Site Dimensions.
19.408.060	Planned Unit Developments.

19.408.010 Residential Zone Densities with No Bonuses.

Before any density bonuses are applied, the number of dwelling units permitted in a residential development shall not exceed the following amounts:

Zone	Density (dwelling units per net acre)
RMH	12.0
RM-10	10.0 (1)
RM-20	20.0 (1)

(1) In the RM-10 and RM-20 zones, a minimum 100 ft. lot width and a minimum 12,500 sq. ft. lot area is required for more than one dwelling unit on a lot.

19.408.020 Site Area Bonus—Multifamily Zones.

Before any other density bonuses are applied, the maximum dwelling unit density allowed on a site in an RM Zone other than the RMH Zone shall be increased by an amount determined as follows:

A. For the RM-10 Zone, an additional number of dwelling units per net acre equal to the net site area expressed in acres, but the overall density shall not exceed sixteen dwelling units per net acre in any case. This may be expressed as a formula by:

$$U = (10 + A) \times A$$

Where:

U = maximum number of dwelling units permitted

A = net site area in acres Provided, U does not exceed 16 x A.

B. For the RM-20 Zone, an additional number of dwelling units per net acre equal to the net site area expressed in acres, but the overall density shall not exceed twenty-four dwelling units per acre in any case. This may be expressed as a formula by:

$$U = (20 + A) \times A$$

Where:

U = maximum number of dwellings units permitted

A = net site area in acres Provided, U does not exceed 24 x A.

19.408.030 Affordable Housing Bonus.

A. When affordable housing is included within a residential development in a residential zone other than the RMH Zone, the dwelling unit density shall not exceed a density determined by increasing the density otherwise allowed by the same percentage as the percentage of affordable housing units in the development, with the following limitations;

1. For elderly housing, the maximum such bonus shall be one hundred percent.
2. For other housing, the maximum such bonus shall be twenty-five percent.

B. An affordable housing bonus shall become effective only upon completion of the following:

1. Approval of a site plan for the residential development shall be granted under the site plan review procedure set forth in Section 19.128.040. The site plan approval shall specify as a condition the number of affordable units to be made available.
2. A formal written agreement between the City and the property owner shall be recorded prior to the issuance of any permits. This agreement, in a format approved by the City Attorney, shall ensure that the number of affordable housing units upon which the affordable housing density bonus is based shall remain in the affordable price range for a period as determined within the provisions of this section.
3. The housing development shall be completed with issuance of a certificate of occupancy.

C. Development Incentives for Affordable Rental Units. Development incentives pursuant to Section 19.448.010 may be authorized under a site plan review (Section 19.128.040) in exchange for a longer period of available affordable rental units under subsection E of this section.

D. Definition of Terms. The terms "affordable housing" and "elderly housing" shall have the meanings set forth in Section 19.104.080 and California Government Code Section 65915.

E. Period of Commitment.

1. Elderly Housing.

a. For an elderly housing development, with only the density bonus provision of subsection A.1 of this section, the minimum commitment period of available affordable rental units shall be 30 years.

b. For an elderly housing development with the density bonus provision of subsection A.1 of this section and any of the development concessions of section 19.448.010, the commitment period shall be established under the site plan review application.

2. Housing, other than Elderly Housing.

a. For a housing development, with only the density bonus provision of subsection A.2 of this section, the minimum commitment period of available affordable rental units shall be 10 years.

b. For a housing development, with the density bonus provisions of subsection A.2 of this section and any one of the development concessions of section 19.448.010, the minimum commitment period of available affordable rental units shall be 30 years.

19.408.040 Fractional Results.

A. Regardless of the maximum density calculated pursuant to this chapter, at least one dwelling unit shall be permitted on any lawfully established lot in a residential zone if such lot has a net area of at least two thousand five hundred square feet.

B. In other cases, in determining the maximum number of dwelling units permitted on a site, any fraction of dwelling unit in the calculated result, after applying all density factors, shall not be construed as allowing an additional dwelling unit if such fraction is less than 0.5.

19.408.050 Site Dimensions.

A. The minimum size and dimensions of lots created in the various zones shall be as shown in Table 19.408.050.

B. Notes.

1. Certain specific uses of property require site areas and dimensions greater than the minimum site requirements for the zone. See Chapter 19.448, Special Requirements for Certain Uses.

2. **Site Non-conformity.** Pursuant to section 19.204.090 for site non-conformities, any property located in the RM-10 and RM-20 zones shall be fully conforming as to lot area and lot width for the development of any multifamily dwellings.

3. Where property is also located in the PD Overlay Zone, the minimum site area for development shall be five acres (two hundred seventeen thousand eight hundred square feet). See Section 19.412.020.

TABLE 19.408.050

MINIMUM SITE DIMENSIONS				
Zone	Minimum Lot Area (square feet)	Minimum Street Frontage (feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
RMH	200,000	—	—	—
RM-10	12,500	50	100	—
RM-20	12,500	50	100	—

19.408.060 Planned Unit Developments.

A. A planned unit development, wherein the owners of individual lots also hold undivided interests in common areas within the same development, all as defined in Section 19.104.080, may be approved in any RM zone. Such approval shall be accomplished under both the subdivision ordinance (Division I of Title 18) and site plan review (Section 19.128.040) procedures, except a conditional use permit also is required for the planned unit development of a mobile home park in the RMH Zone and for any development in the PD Overlay Zone.

B. For planned unit developments, the minimum lot size and dimension requirements of Section 19.408.050, as well as other regulations of this Division based on dimensions from lot lines, shall not apply to the individual unit lots, but shall apply to the total net site area of each such development.

Division 4
Multifamily Residential Zones
 - Buena Park Zoning Ordinance -

Section 14.02.01 - General Provisions	
14.02.01.01 - Purpose and Intent	
14.02.01.02 - Definitions	
14.02.01.03 - General Provisions	
14.02.01.04 - Specific Provisions	
14.02.01.05 - Enforcement	
14.02.01.06 - Other Provisions	
14.02.02 - Multifamily Residential Zones	
14.02.02.01 - General Provisions	
14.02.02.02 - Specific Provisions	
14.02.02.03 - Enforcement	
14.02.02.04 - Other Provisions	
14.02.03 - Other Provisions	
14.02.03.01 - General Provisions	
14.02.03.02 - Specific Provisions	
14.02.03.03 - Enforcement	
14.02.03.04 - Other Provisions	
14.02.04 - Other Provisions	
14.02.04.01 - General Provisions	
14.02.04.02 - Specific Provisions	
14.02.04.03 - Enforcement	
14.02.04.04 - Other Provisions	
14.02.05 - Other Provisions	
14.02.05.01 - General Provisions	
14.02.05.02 - Specific Provisions	
14.02.05.03 - Enforcement	
14.02.05.04 - Other Provisions	
14.02.06 - Other Provisions	
14.02.06.01 - General Provisions	
14.02.06.02 - Specific Provisions	
14.02.06.03 - Enforcement	
14.02.06.04 - Other Provisions	
14.02.07 - Other Provisions	
14.02.07.01 - General Provisions	
14.02.07.02 - Specific Provisions	
14.02.07.03 - Enforcement	
14.02.07.04 - Other Provisions	
14.02.08 - Other Provisions	
14.02.08.01 - General Provisions	
14.02.08.02 - Specific Provisions	
14.02.08.03 - Enforcement	
14.02.08.04 - Other Provisions	
14.02.09 - Other Provisions	
14.02.09.01 - General Provisions	
14.02.09.02 - Specific Provisions	
14.02.09.03 - Enforcement	
14.02.09.04 - Other Provisions	
14.02.10 - Other Provisions	
14.02.10.01 - General Provisions	
14.02.10.02 - Specific Provisions	
14.02.10.03 - Enforcement	
14.02.10.04 - Other Provisions	

Chapter 19.412 Uses

Sections:

19.412.010	Uses Permitted.
19.412.030	Mixed Use Overlay Classification.
19.412.040	Multifamily Residential Zone - Commercial Parties Prohibited.
19.412.050	Interpretation of Uses Permitted.

19.412.010 Uses Permitted.

A. Land, buildings and other facilities shall be designed, developed, and used only for those activities indicated for the various zones by Table 19.412.010, entitled Uses Permitted. The symbols shown in this table have the following meanings:

Symbol	Meaning
P	Automatically permitted use.
I	Incidental use—use permitted only if incidental to another primary use on the same site. If incidental to a use authorized by conditional use permit, such incidental use is permitted only if included within the terms of the conditional use permit.
C	Conditional use—use eligible for consideration under the conditional use procedure (Section 19.128.020) and permitted only if a conditional use permit is approved, subject to the specific conditions of such permit.
Ci	Incidental conditional use—use eligible for consideration under the conditional use procedure only if incidental to another primary use of the site, whether such primary use is automatically permitted or permitted by conditional use permit.
Pc	Automatically permitted use, except such use is subject to a conditional use permit when located within three hundred thirty feet of a residential zone.
Pc*	Automatically permitted use, except such use is subject to a conditional use permit when located within six hundred feet of a residential zone.
IC	Incidental or conditional use — automatically permitted as an incidental use, when the primary use is automatically permitted, or eligible for consideration as a primary use under the conditional use procedure.
T	Temporary use—permitted if approved in accordance with Title 19, Division 10.

Division 4
Multifamily Residential Zones
 - Buena Park Zoning Ordinance -

Table 19.412.01

USES PERMITTED - MULTI-FAMILY RESIDENTIAL ZONES				
Uses	Residential Zones			
	RMH	RM-10	RM-20	PD (12)
Residential Uses				
<u>Single -Family Dwellings:</u> • Site-built. • Manufactured. • Single Family Cluster. (13)		P P C	P P C	C C
<u>Multi-family Dwellings: (1)</u> • Multi-family apartments. • Condominium, stock cooperative, community apartments. (2)		P C	P C	C C
<u>Mobilehome Park: (3)</u> • Undivided ownership. • Condominium or planned unit development ownership.	P C			C
<u>Group Quarters:</u> • Convent, rectory, roominghouse, dormitory, fraternity or sorority house, etc.		C	C	
<u>Transient Quarters:</u> (See Division 5, Commercial Uses - Tourist Services)				
<u>Community Residential Care:</u> • Small group care home. • Other community residential care facility.		P C	P C	P
<u>Residential Accessory Uses:</u> • Guesthouse. • Home occupation. (4) • Animal keeping. (5) • Swimming pool, therapeutic pool, recreational structure.	P P P	P P P	P P P	P P P

Division 4
Multifamily Residential Zones
 - Buena Park Zoning Ordinance -

Table 19.412.010 - cont'd.

USES PERMITTED - MULTI-FAMILY RESIDENTIAL ZONES				
Uses, cont'd.	Residential Zones			
	RMH	RM-10	RM-20	PD (12)
Residential Uses, cont'd.				
<u>Residential Accessory Uses, cont'd.:</u>				
• Clubhouse, meeting room, game room, gymnasium, sauna, health center (private use only)	I	I	I	C
• Rental management office, storage room.	I	I	I	I
• Parking, within garage.	P	P	P	P
• Parking, under carport.	P	P	P	P
• Parking, uncovered.	P	P	P	P
• Yard sale. (6)	P	P	P	P
Public Service Uses.				
<u>Community Day Care:</u>				
• Small group child day care home (1-12 children).		P	P	P
• Small group adult day care home (1-6 adults).		P	P	P
• Child day care center (7)		CI	CI	CI
• Adult day care center (7)		CI	CI	CI
<u>Health Facilities:</u>				
• Long-term care (intermediate care or skilled nursing).		C	C	
<u>Public Assembly:</u> (See also Recreation)				
• Church. (8), (9)		C	C	
<u>Education:</u>				
• Educational institution. (9)		C	C	

Division 4
Multifamily Residential Zones
 - Buena Park Zoning Ordinance -

Table 19.412.010 - cont'd.

USES PERMITTED - MULTI-FAMILY RESIDENTIAL ZONES				
Uses, cont'd.	Residential Zones			
	RMH	RM-10	RM-20	PD (12)
Public Service Uses, cont'd.				
<u>Recreation :</u> • Public park, public playground, public recreational area, public landscaped open space, public-owned historical site or feature. • Community recreation center. <u>Utilities and Communications:</u> • Aviation navigational aids. • Public utility facilities or structures, including electrical substations and cellular telephone facilities.		P P	P P	P C
<u>Transportation:</u> • Parking lot. • Parking structure.		C C	C C	C C
Temporary Uses				
• On-site construction facilities. (10) • On-site real estate sales office. (11)	P P	P P	P P	P P
Notes: 1 See also "Architectural Design Guidelines for Multi-family Low and Medium Density Residential Developments" in a separate document adopted by Resolution #8934. 2 Special requirements apply. See Section 19.448.030. 3 Special requirements apply for mobilehome parks. See Section 19.448.020. 4 Special requirements apply for home occupations. See Section 19.448.040. 5 Special requirements apply for animal keeping. See Section 19.448.060. 6 Special requirements apply for yard sales. See Section 19.448.050. 7 Permitted with a conditional use permit as an incidental use provided that sufficient parking and circulation can be provided on the property and the hours of operation for the incidental use will not conflict with the primary use.				

Division 4
Multifamily Residential Zones
- Buena Park Zoning Ordinance -

Table 19.412.010 - cont'd.

Notes, cont'd.:

- 8 In all residential zones in which churches are permitted, such churches shall be located on and oriented to major, primary, or secondary highway as defined and as designated in the Buena Park General Plan.
- 9 Bingo games shall be permitted as an accessory use only when authorized under Chapter 5.16 et. seq. and only when fire and safety regulations are met and parking facilities are fully conforming to the requirements for public assembly use.
- 10 Offices, storage, activities, and facilities directly pertaining to construction for a permitted use on the same site provided construction is not suspended for more than 30 consecutive days.
- 11 Temporary real estate sales office, only for sales or leasing of new subdivision, and for not more than one year.
- 12 Permitted uses and intensity of use in the PD zone shall be determined in a public hearing, subject to the provisions of the General Plan for the individual area designated as Planned Development.
- 13 Special requirements apply for single family cluster developments. See Section 19.448.035.

B. Those uses listed as accessory uses in the uses permitted table are subject to the definition of accessory use in Section 19.104.080 as well as the meanings of the indicated symbols in the table.

19.412.030 Mixed Use Overlay Classification.

(RESERVED)

19.412.040 Multifamily Residential Zone - Commercial Parties Prohibited.

A. Purpose and Intent. It is the purpose and intent of the City Council by the adoption of this section to prohibit parties conducted in a commercial manner within all multifamily residential zones in order to preserve the rights of residents to the quiet enjoyment of their property.

B. Definitions. For purposes of this section, the following words and phrases shall have the meanings set forth herein:

1. "Admission charge" means a tangible benefit, monetary or otherwise, which is expressly or implicitly required as a condition of admittance to a party. Customary courtesies and clearly noncommercial activity such as gifts by guests and voluntary sharing of expenses for meals shall not be considered to be an "admission charge". "Admission charge" shall not include donations for political, community service, charitable, or religious purposes.

2. "Party" means three or more persons meeting together for social, recreational, or amusement purposes.

Division 4
Multifamily Residential Zones
- Buena Park Zoning Ordinance -

C. Admission Charge Prohibited. No person or group of persons shall require, implicitly or expressly, any admission charge to any party conducted in any multifamily residential zone.

19.412.050 Interpretation of Uses Permitted.

Further definition and enumeration of uses permitted in the various zones may be determined by interpretation in accordance with Section 19.128.010.

Sections:

19.410.010	Buildings Required.
19.410.020	Building Type.
19.410.030	Building Materials.
19.410.040	Building Coverage.
19.410.050	Residential Building Floor Area.
19.410.060	Residential Storage and Garages.
19.410.070	Accessory Structures for Single Family Dwelling.
19.410.080	Space between Buildings.
19.410.090	Height of Structures.

19.410.010 Buildings Required.

- A. All buildings and facilities, when permitted by other provisions of this Ordinance, shall be constructed within the jurisdiction of the City of Buena Park.
- B. All buildings and facilities, when permitted by other provisions of this Ordinance, shall be constructed in accordance with the provisions of the Building Code of the City of Buena Park.
- C. Where a use is permitted by this Ordinance, the permit, temporary use permit, or special permit shall be issued by the City of Buena Park, and the use shall be subject to the provisions of the Building Code of the City of Buena Park.

19.410.020 Building Type.

Every building shall be designed, constructed, and maintained in accordance with the provisions of the Building Code of the City of Buena Park. A building shall not be subject to a temporary use permit.

19.410.030 Building Materials.

1. No building shall have a material exterior surface such as, but not limited to, asbestos, lead, or other hazardous material, which shall be subject to the provisions of the Building Code of the City of Buena Park.
2. The following materials shall be subject to the provisions of the Building Code of the City of Buena Park:
 - a. Asbestos-containing building materials.
 - b. Lead-containing building materials.
 - c. Asbestos-containing building materials.

Division 4
Multifamily Residential Zones
- Buena Park Zoning Ordinance -

1. The City of Buena Park is a city of the State of California, and as such, it is the policy of the City to promote the health, safety and general welfare of its citizens.

2. The City of Buena Park is a city of the State of California, and as such, it is the policy of the City to promote the health, safety and general welfare of its citizens.

3. The City of Buena Park is a city of the State of California, and as such, it is the policy of the City to promote the health, safety and general welfare of its citizens.

4. The City of Buena Park is a city of the State of California, and as such, it is the policy of the City to promote the health, safety and general welfare of its citizens.

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10. The City of Buena Park is a city of the State of California, and as such, it is the policy of the City to promote the health, safety and general welfare of its citizens.

Chapter 19.416 Development Standards - Buildings

Sections:

19.416.010	Buildings Required.
19.416.020	Building Type.
19.416.030	Building Materials.
19.416.040	Building Coverage.
19.416.050	Residential Building Floor Area.
19.416.060	Residential Garages and Carports.
19.416.070	Accessory Structures for Single Family Dwelling.
19.416.080	Space between Buildings.
19.416.090	Height of Structures.

19.416.010 Buildings Required.

- A. All activities and facilities, where permitted by other provisions of this Division, shall be enclosed within permanently constructed buildings.
- B. Outdoor activities, storage, and display may be permitted in accordance with Sections 19.412.010 and 19.424.020, and the regulations and limitations of Division 10, Title 19.
- C. Where a use is permitted by conditional use permit, temporary use permit, or special permit (see Division 10, Title 19), outdoor activities and temporary facilities may be authorized by the terms of such permit notwithstanding the provisions of this section.

19.416.020 Building Type.

Every building shall be designed or remodeled to accommodate its use in accordance with applicable building codes and other laws. A residential building shall not be occupied by a nonresidential primary use.

19.416.030 Building Materials.

- A. No building shall have a metallic exterior surface such as, but not limited to, galvanized, corrugated or interlocking metal sheets, unless the use of such metallic surface material is approved under the site plan review procedure (Section 19.128.040) for the purpose of enhancing the architectural quality of the building while preserving architectural harmony and compatibility with the surrounding area.
- B. The following structures shall be exempt from the provisions of this section:
 - 1. Storage sheds not requiring building permits;
 - 2. Screening fences or devices which meet all applicable standards established by or pursuant to this Division;
 - 3. State-approved mobile homes in mobile home parks.

19.416.040 Building Coverage.

- A. The maximum building coverage of net lot area for all multifamily residential zones shall be 40%.
- B. The following shall be considered as building coverage of a lot;
1. All roofed structures over 6 foot in height, with dimensions measured around the outside bearing walls and/or support columns, with the exception of trash enclosures or open-sided shading structures which are part of a recreational accessory use in the common usable open area;
 2. Any enclosed building floor areas above the ground which may project beyond the bearing walls and support columns;
 3. Covered breezeways and private patio structures whether open-sided or enclosed, trellised or solid-roofed.

19.416.050 Residential Building Floor Area.

- A. For any multifamily residential development, the minimum floor area of each dwelling unit shall be as shown in Table 19.416.050, entitled Minimum Dwelling Unit Floor Area. In the RM zones, up to fifteen percent of the minimum required gross floor area may be in private balconies, porches, and patios which meet the minimum requirements of Section 19.420.030. Attic and basement space, where the headroom is less than six and one-half feet, and garages and accessory buildings shall not be included as part of the required dwelling unit floor area.
- B. For a single family dwelling (one dwelling unit on a lot), the minimum floor area requirement shall be governed by Section 19.316.050 of Division 3 for the RS-6 zone.

Table 19.416.050

MINIMUM DWELLING UNIT FLOOR AREA			
Minimum Gross Floor Area (square feet per dwelling unit)			
Zero* Bedroom Unit	One Bedroom Unit	Two Bedroom Unit	Three or Plus Bedroom Unit
550	800	950	1050 plus 100 each additional bedroom
*Zero Bedroom Units shall not exceed 20% of the total number of units in multi-family developments			

19.416.060 Residential Garages and Carports.

- A. For multifamily apartments, garage and/or carport floor areas shall be provided to accommodate the number of required parking spaces as required in Chapter 19.436. Furthermore, each parking space shall have a vehicular door or access opening of a minimum 9 foot width. Two parking spaces may be combined with a vehicular door or access opening of a minimum 18 foot width.

Division 4
Multifamily Residential Zones
 - Buena Park Zoning Ordinance -

B. For residential condominiums, stock cooperatives, and community apartments, separate requirements for garage floor area and vehicular openings apply pursuant to Section 19.448.030.

C. For a mobilehome park in the RMH zone, separate requirements for carports apply pursuant to Sections 19.436.050 and 19.448.020.

D. For a single family dwelling (one dwelling unit on a lot) in the RM zones, the requirements for minimum garage floor area and vehicular openings shall be governed by Chapter 19.336 of Division 3 for the RS-6 zone.

19.416.070 Accessory Structures for Single Family Dwelling.

For all single family residential uses in the RM zones, any accessory structure shall be governed by Chapter 19.336 of Division 3 for single family zones as to the maximum allowable floor area and height. Furthermore, such accessory structure shall be non-habitable.

Table 19.416.080

MINIMUM SPACE BETWEEN BUILDINGS				
	Between Main Building and an Accessory Building	Between Two Main Buildings		
		Window (1) In Only One of the Facing Walls	Window (1) In Both Facing Walls	Doorway (1) In One or Both Facing Walls
Zone:				
RMH	(3)	(3)	(3)	(3)
RM-10	6 feet	10 feet	20 feet	30 feet
RM-20	6 feet	10 feet	20 feet	30 feet

(1) Wall openings which are only for utility access or emergency exit are not considered to be windows or doorways for the purposes of these requirements.

(3) See special requirements, Section 19.448.020

19.416.080 Space between Buildings.

A. The minimum distance between buildings located on the same lot, other than a single family dwelling, shall be as shown in Table 19.416.080.

B. Single Family Dwelling. For a single family dwelling in the RM zones, the minimum building separation requirements for the single family zones in Section 19.316.080 of Division 3 shall apply.

C. Permitted Projections from Buildings. The following building projections are permitted within the minimum required space between buildings:

1. Building features, with a maximum 2.5' projection into the minimum required space, such as:
 - a. Cantilevered eaves, awnings, and shading devices.
 - b. Architectural features - sills, cornices, buttresses, etc.
 - c. Chimneys and fireplaces, with a maximum 8' length.
 - d. Mechanical equipment cantilevered from building.
2. Uncovered, cantilevered balconies, with a minimum 10 foot separation in all horizontal directions from any balcony or wall in the opposing structure.
3. Uncovered stairways and walkways.

19.416.090 Height of Structures.

A. The maximum height of any building or structure shall be as shown in Table 19.416.090.

B. Antennae. Notwithstanding the restrictions of subsection A of this section, radio, television, microwave antennae, and similar equipment shall be subject to the following regulations:

1. Ground-mounted antennae which are incidental or accessory uses are permitted to a height of sixty feet, unless permitted higher by a conditional use permit.
2. Roof-mounted antennae, which shall include dishes to a maximum of twenty-four inches in diameter, may be used but may not be more than twenty-five feet higher than the highest point of the building to which they are attached, excluding chimneys and like projections, unless permitted higher by the issuance of a conditional use permit.
3. Any antenna that is primary to the use shall be subject to the height limit established under a conditional use permit.

Table 19.416.090

HEIGHT LIMITS—RM ZONES (Other than RMH) (1)		
Maximum Height		
Type of Building	Within Fifty Feet of Any RS Zone	More than Fifty Feet from RS Zone
Any building or structure	1 story or 15 feet, whichever is less	35 feet, except a greater height may be authorized by conditional use permit
(1) See subsection F of Section 19.448.020 for height limits in RMH Zone.		

Chapter 19.420 Development Standards - Yards and Open Space

Sections:

19.420.010	Open Areas.
19.420.020	Common Usable Open Area.
19.420.030	Private Open Area.
19.420.040	Future Rights-of-Way.
19.420.050	Front Yard.
19.420.060	Side Yard, abutting a Street.
19.420.070	Rear and Side Yard, Not abutting a Street.
19.420.080	Zero Side or Rear Yard.
19.420.090	Zero Residential Side Yard.
19.420.100	Courts.
19.420.110	Pedestrian Access to Dwellings.
19.420.120	Entrances to Multi-family Dwellings.

19.420.010 Open Areas.

A. In the RM Zones, other than the RMH Zone, at least forty percent of the net area of each developed lot shall be open area which is landscaped or arranged for outdoor recreation or pedestrian use. Not more than 15% of the minimum required open area shall be located above the ground level.

B. **Permitted Encroachments.** The following encroachments are permitted within the minimum required open area and shall be considered as part of such open area;

1. Projections from Buildings.

- a. Building features with a maximum 2.5' projection such as:
 - i. Cantilevered eaves, awnings, and shading devices.
 - ii. Architectural features - sills, cornices, buttresses, etc.
 - iii. Chimneys and fireplaces, with a maximum 8' length.
- b. Uncovered and open stairways and walkways.
- c. Uncovered porches, platforms, patios, decks, stoops, steps, planters, etc.
- d. Uncovered, cantilevered balconies.
- e. Mechanical equipment cantilevered a maximum 2.5' from a building.

2. Freestanding mechanical equipment, subject to a 5' maximum height and applicable screening requirements.

3. Utility-owned pole lines within approved easements.

4. Utility-owned above-ground facilities, such as transformer boxes, pedestal terminals, etc., subject to a 5' maximum height limit and applicable screening requirements.

5. Swimming and therapeutic pools.

6. Decorative pools with an 18" maximum depth.

7. Recreation facilities which are subject to building permit - play equipment, play structure, playhouse, open type shading structures as part of the common usable open area, etc.
8. Signs.
9. Landscaping, fences, walls, hedges, and berms.

19.420.020 Common Usable Open Area.

A. For all multifamily residential uses including mobilehome parks, the open area provided shall include common usable open area of at least two hundred square feet per dwelling unit for the first twenty dwelling units, plus one hundred fifty square feet per dwelling unit for the next twenty dwelling units, plus one hundred square feet per dwelling unit for each additional dwelling unit. The minimum dimensions of such common usable open area shall be ten feet in each direction and the least horizontal dimension is at least one-third of the greatest horizontal dimension.

B. Permitted Encroachments. The following encroachments are permitted within the minimum required common usable open area:

1. Projections from Buildings.

- a. Building features with a maximum 2.5' projection such as:
 - i. Cantilevered eaves, awnings, and shading devices.
 - ii. Architectural features - sills, cornices, buttresses, etc.
- b. Uncovered porches, platforms, patios, decks, stoops, steps, planters, etc.
2. Utility-owned pole lines within approved easements.
3. Access walkways.
4. Swimming and therapeutic pools.
5. Decorative pools with an 18" maximum depth.
6. Recreation facilities which are subject to a building permit, such as play equipment, play structure, playhouse, restrooms for recreation area, open type shading structures, etc.
7. Landscaping, fences, walls, hedges, and berms.

19.420.030 Private Open Area.

A. In the RM zones, private open areas may be included in the required open area, if uncovered, but not in the required common usable open area, required front yard or required side yard along a street. When provided as part of a reduced minimum required floor area for a dwelling unit pursuant to Section 19.416.050, a private open area shall have a minimum eight foot vertical clearance and have dimensions not less than ten feet in any horizontal direction if at ground level, or be at least five feet by eight feet in horizontal dimensions if located on a balcony or deck above ground level.

B. Mechanical equipment of a dwelling unit may be located within that unit's private open open space provided that the equipment is not more than 3.5' in height and the equipment is screened from public view.

19.420.040 Future Rights-of-Way.

A. This section is applicable only where a portion of a lot is within an area planned to be part of a future street, alley, or other public right-of-way as determined from an officially adopted plan, and the acquisition of such portion would not reduce the buildable lot width to less than forty feet.

B. In cases to which this section applies, the portions of any lot within any such future right-of-way area shall not be occupied by structures other than those encroachments allowed in future rights-of-way as provided in subsection C of this section. All other required setbacks, yards, and open areas shall be provided in addition to the future right-of-way areas, and the future right-of-way lines shall be considered to be lot lines for purposes of measuring such other setbacks, yards, and open areas.

C. Permitted Encroachments. The following encroachments are permitted within the future rights-of-way area:

1. Utility-owned pole lines within approved easements.
2. Access walkways and driveways.
3. Uncovered parking - to the same extent as permitted in adjoining front, side, or rear yard.
4. Storage (vehicles for over 24 hours, trash areas, other permitted outdoor storage) - to the same extent as permitted in adjoining side or rear yard.
5. Recreation facilities which are subject to building permit (play equipment, play structure, playhouse, etc.) - to the same extent as permitted in adjoining side or rear yard.
6. Real estate signs.
7. Fences, walls, hedges, and berms - to the same extent as permitted in adjoining front, side, or rear yard.
8. Landscaping, other than hedges.

19.420.050 Front Yard.

A. For all RM Zones, other than the RMH zone and other than a single family dwelling in the RM zones, the minimum front yard shall be 15 feet. In addition, each building or structure shall be set back an additional distance equal to one-half the amount by which the height of the building or structure exceeds thirty feet.

B. RMH Zone. For the RMH zone, the special requirements of Section 19.448.020 apply.

C. Single Family Dwelling. For a single family dwelling in the RM zones, the required front yard and the related permitted encroachments of the RS-6 zone in Division 3, Section 19.320.020 shall apply.

D. Permitted Encroachments. The following encroachments are permitted within the minimum required front yard:

1. Projection from Buildings.

a. Building features such as:

- i. Cantilevered eaves, awnings, and shading devices with a minimum 10 foot setback from the front property line.
- ii. Architectural features - sills, cornices, buttresses, etc. with a minimum 13.5' setback from the front property line.
- iii. Chimneys and fireplaces, with a maximum 8' length and a minimum 13.5' setback from the front property line.

b. Uncovered porches, decks, stoops, steps, planters, etc., with a maximum 6' projection allowed in the minimum required front yard and with a maximum 18 inch height except railings may extend 3.5' above deck or tread. (Where maximum fence height is 3.5', railing must be open type.)

2. Utility-owned pole lines within approved easements.
3. Access walkways and driveways.
4. Signs.
5. Fences, walls, hedges, and berms, subject to the allowable fence height and design requirements of Chapter 19.428.
6. Landscaping, other than hedges.

19.420.060 Side Yard, abutting a Street.

A. For all RM Zones, other than the RMH zone and other than a single family dwelling in the RM zones, the minimum side yard abutting a street shall be 15 feet. In addition, each building or structure shall be set back an additional distance equal to one-half the amount by which the height of the building or structure exceeds thirty feet.

B. RMH zone. For the RMH zone, the special requirements of Section 19.448.020 apply.

C. Single Family Dwelling. For a single family dwelling in the RM zones, the required side yard, abutting a street, and the related permitted encroachments of the RS-6 zone in Division 3, Section 19.320.030 shall apply.

D. Permitted Encroachments. The following encroachments are permitted within the minimum required side yard, abutting a street:

1. Projection from Buildings.

a. Building features such as:

i. Cantilevered eaves, awnings, and shading devices with a minimum 10 foot setback from the side property line.

ii. Architectural features - sills, cornices, buttresses, etc. with a minimum 13.5' setback from the side property line.

iii. Chimneys and fireplaces, with a maximum 8' length and a minimum 13.5' setback from the side property line.

b. Uncovered porches, decks, stoops, steps, planters, etc., with a maximum 6' projection allowed in the minimum required front yard and with a maximum 18 inch height except railings may extend 3.5' above deck or tread. (Where maximum fence height is 3.5', railing must be open type.)

2. Utility-owned pole lines within approved easements.

3. Access walkways and driveways.

4. Uncovered parking, subject to a minimum 10 foot setback from the side property line.

5. Signs.

6. Fences, walls, hedges, and berms, such to the allowable fence height and design requirements of Chapter 19.428.

7. Landscaping, other than hedges.

19.420.070 Rear and Side Yard, not abutting a Street.

A. In the RM Zones, other than the RMH zone and other than a single family dwelling in the RM zones, the minimum required rear yard and side yard, not abutting a street, shall be 10 feet.

B. RMH Zone. For the RMH zone, the special requirements of Section 19.448.020 apply.

C. Single Family Dwelling. For a single family dwelling in the RM zones, the required rear yard and side yard, not abutting a street, and the related permitted encroachments for the RS-6 zone in Division 3, Sections 19.320.040 and 19.320.030 shall apply.

D. Permitted Encroachments. The following encroachments are permitted within the minimum required rear and side yard, not along a street:

1. Accessory Building. An accessory building, if not over 15 feet in height, may be located a minimum of 5 feet from a rear or side property line, not abutting a street.

a. Furthermore, such accessory building, if located more than 60' from a street property line and not abutting a RS zone, may be located up to the rear or side property line not along a street.

b. Such accessory building, if located less than 3' from an interior lot line, shall have no wall openings facing the adjoining property and no drainage onto the adjoining property.

2. Projections from Buildings.

a. Building features, with a minimum 2.5' setback from the rear or side property line, such as:

i. Cantilevered eaves, awnings, and shading devices.

- ii. Architectural features - sills, cornices, buttresses, etc.
 - iii. Chimneys and fireplaces, with a maximum 8' length.
- b. Uncovered porches, platforms, patios, decks, stoops, steps, planter etc., with a maximum 18 inch height, except railing may extend 3.5' above deck tread.
- c. Balconies, roofed or unroofed, with a 7' minimum headroom below, and a minimum 5' setback from the rear or side property line.
- d. Mechanical equipment, cantilevered from a building with a minimum 2.5' setback from the rear or side property line.
- 3. Mechanical equipment, freestanding with a maximum 5' height and subject to screening regulations.
- 4. Utility-owned facilities
 - a. Pole lines within approved easements.
 - b. Other above ground facilities with a maximum 5' height within approved easements, such as transformer boxes, pedestal terminals, etc.
- 5. Access walkways and driveways.
- 6. Uncovered parking, subject to screening, landscaping, and wall requirements.
- 7. Storage of vehicles (over 24 hour), trash areas, other permitted outdoor storage screened from public view.
- 8. **Pools.**
 - a. Swimming pools, therapeutic pools, with minimum 5' setback from the side property line if required fencing permits.
 - b. Decorative pools, with maximum 18" depth.
- 9. Recreation facilities which are subject to a building permit, such as play equipment, play structure, play house, etc.
- 10. Fences, walls, hedges, and berms, not over 7' in height.
- 11. Landscaping, other than hedges.

19.420.080 Zero Side or Rear Yard.

Where no side or rear yard is required or where a zero side yard is permitted, any building or structure shall be located either at the property line or at least three feet from the property line.

19.420.090 Zero Residential Side Yard.

In the residential zones, where the lots on both sides of a property line are being developed anew (with all existing buildings on both lots being removed), a zero side yard, in lieu of the side yard otherwise required, may be provided on one or both sides of the property line, provided:

- A. Any building wall along the property line shall be of a sound-absorbing type in accordance with standards adopted pursuant to Section 19.124.050.
- B. An agreement or covenant between the property owners involved and running with the land, in a form acceptable to the Director, shall be recorded setting forth acceptance of the physical arrangement and, providing that failure to maintain such wall to the prescribed standard shall obligate each party to conform to the otherwise applicable yard regulations.

19.420.100 Courts.

A. In the RM Zones, other than the RMH Zone, where the arrangement of a building or buildings on the same lot creates a court (an open space surrounded on all sides by buildings, but not necessarily completely enclosed), such court shall contain a rectangular open area at least thirty feet by forty feet in horizontal dimensions.

B. **Permitted Building Projections.** The following building features may project a maximum 2.5' into minimum required courtyard area:

- 1. Cantilevered eaves, awnings, and shading devices.
- 2. Architectural features - sills, cornices, buttresses, etc.
- 3. Chimneys and fireplaces, with a maximum 8' length.
- 4. Mechanical equipment cantilevered from building.

19.420.110 Pedestrian Access to Dwellings.

On each lot occupied by one or more dwellings, there shall be a clear passageway area with a minimum seven foot width and an eight foot height between the walls of any structure(s) extending from a street property line to at least one entrance to each dwelling unit or to an entrance to the dwelling structure where unit entrances are from interior hallways.

19.420.120 Entrances to Multifamily Dwellings.

The primary exterior entrances to each multifamily dwelling unit, or to the dwelling structure where unit entries are from interior hallways, whether such exterior entry is from a balcony, stairway, landing, or a ground level, shall have an open area, free and clear of any obstructions, of at least twenty-four square feet abutting the exterior of the entrance. The minimum dimension of such area measured perpendicular to the entrance shall be six feet. The area shall not be infringed upon by another entrance's required space.

Chapter 19.424 Development Standards - Outdoor Improvements

Sections:

- | | |
|-------------------|-------------------------------------|
| 19.424.010 | Trash Storage Facilities. |
| 19.424.020 | Outdoor Storage and Display. |

19.424.010 Trash Storage Facilities.

A. All refuse shall be stored within trash containers which meet City standards. Except when temporarily placed for pickup, all such containers shall be located or screened so as not to be in public view.

B. Except for a temporary use, any non-residential use in the residential zones shall comply with the trash storage requirements for commercial uses under Division 5.

C. All mobilehome parks, group quarters, and multi-family developments of four(4) or more units in the residential zones shall provide a trash enclosure for the purpose of; screening the trash container(s) from public view; maintaining any loose debris within the enclosure; providing a permanent location for the container(s) that will not encroach upon driveways, parking, pedestrian, and emergency access areas; and eliminating the accessibility of trash to the elements and animals. The trash enclosure shall conform to the following standards:

1. All required trash enclosures receiving the 3 cubic yard commercial bin(s) shall meet the requirements as shown in Illustration 19.424.010.

2 Location. Enclosures shall be located and arranged for ease of pick-up and shall not interfere with other activities on the site. Such location shall be subject to the approval of the Planning Division.

3. Maintenance. All trash enclosures and adjacent paving shall be maintained as a condition of the use.

D. For multifamily residential uses of four or more dwelling units and for mobile home parks, the minimum trash storage capacity provided shall be an amount determined on the basis of a refuse production rate of one-half cubic yard per dwelling unit per week and the frequency of pickup service available.

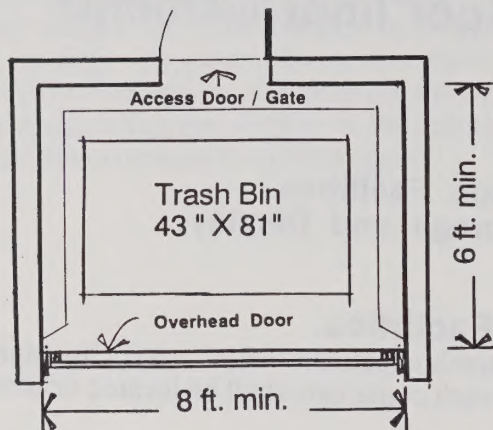
19.424.020 Outdoor Storage and Display.

A. Outdoor Storage. Outdoor storage of materials, equipment or other items is permitted, subject to all other limitations of this ordinance and other laws. Outdoor storage shall not be located in any required parking area or accessway, in any front yard, in any area required to be landscaped, or in any area where a six-foot-high fence is not permitted.

B. Outdoor Display. Temporary outdoor displays are permitted when authorized as part of a special events sale under Title 19, Division 10, or as part of a yard sale authorized under Section 19.448.050.

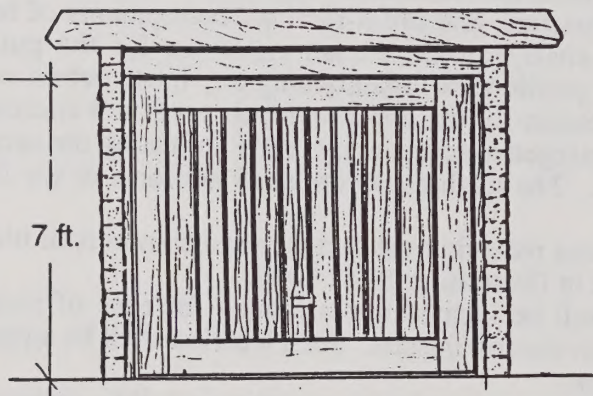
Illustration 19.424.010

Trash Enclosure Requirements for 3 cubic yard bin



Access / Location Requirements:

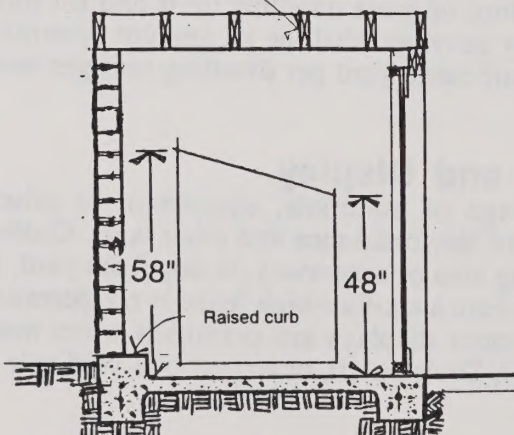
- Locate trash area(s) with convenient accessibility for both deposit and pick-up.
- Location(s) shall be approved by the Planning Division.
- Provide a side or rear access door/gate for multi-tenant uses.
- Provide a 7 foot high overhead door for trash pick-up service, with standard garage door hardware and construction.



Construction Requirements:

- Provide 6 inch reinforced block wall construction.
- Provide a 4 inch P.C.C. pad, flush with adjacent driveway.
- Structural details shall be approved by the Building Division.
- Provide a 6 inch wide, 8 inch high concrete curb at base of interior walls for protection of walls from trash bin.

Decorative Beams



Design / Finish:

- Block walls shall be of decorative finish compatible with adjacent structures or walls.
- Decorative beams or other appropriate screening material shall be provided across the open top to screen trash area from view from 2nd and 3rd stories.

Note:

- Deviations from these standards may be considered at the discretion of the Director.

Chapter 19.428 Development Standards - Fences, Walls, Hedges, and Berms

Sections:

19.428.010	General Requirements.
19.428.020	Fence Height.
19.428.030	Fence Materials and Design.
19.428.040	Required Fences in Multifamily Residential Zones.
19.428.050	Double Fences.
19.428.060	Security Gate Standards.

19.428.010 General Requirements.*

A. No fence shall be constructed within the RM zones until the plans and design for such fence shall have been approved pursuant to the zoning compliance review procedure (Section 19.128.090). In addition, a fence may require a building permit from the Building Division.

B. Furthermore, except for a lot developed with only one dwelling unit, no fence within a required yard adjacent to a street or a security gate as defined in Section 19.428.060 shall be constructed until the plans and design for such fence shall have been approved by the Planning Commission pursuant to the site plan review procedure (Section 19.128.040) and the provisions of the adopted Architectural Design Guidelines for Multifamily Low and Medium Density Residential Development.

C. All fences, whether required or not, shall be located and limited in accordance with provisions of this Division.

D. Fences are required under various provisions of this Division and other laws, including, but not limited to, the screening and protection of parking areas, storage areas, swimming and therapeutic pools, and utility facilities. Such required fences together with the facilities and activities required to be enclosed shall be located so as not to conflict with open space and yard setback requirements.

E. **Conflict with State Law.** In the case of fencing requirements pursuant to state law which unavoidably conflict with the requirements of this Division, the state requirements shall prevail.

*As defined in Section 19.104.080, the term "fence" as used in this Division means fence, freestanding wall, gate, hedge, or berm unless otherwise specifically stated.

19.428.020 Fence Height.

A. For any use in the RM zones, other than a single family dwelling (one dwelling on a lot) and a mobilehome park in the RMH zone, the following fence height requirements shall apply;

1. With the exception of a required yard abutting a street, a maximum 7 foot high fence may be permitted anywhere on a lot.

2. **Yards, abutting a street.** Within a required yard abutting a street, a maximum 6 foot high fence may be permitted, subject to the following setback requirements and the design and material requirements of Section 19.428.030;

a. For any portion of a fence which is not view-obscuring, other than the provision of pilasters and vines, there shall be a minimum 3 foot setback from the street property line for that portion of fence.

b. For any solid or view-obscuring portion of a fence, there shall be a minimum 5 foot setback from the street property line for that portion of fence.

3. For any fence over 2 feet in height within the required 15' by 15' vision clearance area adjacent to any driveway or alley where it intersects with a public street as defined under 19.436.030 shall meet the design requirements of Section 19.428.030.

B. Single Family Dwelling. For a single family dwelling in the RM zones, the fence height requirements of Section 19.328.020 shall apply with the exception that a 7 foot maximum height fence may be permitted within the minimum required front yard with a 15 foot setback from the front property line.

C. Mobilehome Park. For a mobilehome park in the RMH zone, separate fence height requirements apply pursuant to Section 19.448.020.

D. The maximum height of any fence in the multifamily residential zones shall be seven feet, except where a greater height is required for noise reduction as determined by an acoustical analysis.

19.428.030 Fence Materials and Design.

A. All fences in multifamily residential zones, whether required or not, shall:

1. Utilize no salvaged materials unless reconditioned or refinished.

2. Be suitably finished on both sides.

3. Utilize colors and materials that are compatible with the property and neighborhood.

4. All fences shall be maintained in good repair and appearance.

B. In the RM-10 and RM-20 zones, chain link and wire fences shall be prohibited, except that chain link may be used for temporarily securing construction sites and vacant or vacated property.

C. All fences shall have an ornamental finish in subdued earthtone colors compatible with the structures on the property. Furthermore,

1. Block walls shall be of ornamental masonry construction or finish. A common grey or pink block wall shall not be considered as an ornamental masonry or finish.

2. Wood fences shall be of durable construction and finished appearance, and shall be painted or stained.

3. Wrought iron and tubular metal fences shall be primed and painted.

D. Any masonry wall shall be of a minimum 6 inch wide block construction.

E. Vision Clearance Area. Any fence within a required vision clearance area adjacent to any driveway or alley where it intersects with a public street, as further defined under section 19.436.030, shall not be a view-obscuring fence. The design of such fence shall not obscure sight through more than 25 percent of the area in the vertical plane between the height of 2 feet and 7 feet.

F. Fences within Required Yards, abutting a street. Pursuant to the provisions of the adopted Architectural Design Guidelines for Multifamily Low and Medium Density Residential Development, any fence within a required yard abutting a street shall comply with the following design criteria;

1. **Yard Enclosure.** A minimum 50% of the total required yard(s) abutting a street, excluding driveways, shall be located on the streetside of a fence,
2. Other than pilasters and vines, no more than 25% of the length of a fence shall be solid or view-obscuring, unless a greater amount is authorized under a conditional use permit pursuant to Section 19.128.020,
3. In addition to the vision clearance requirements of subsection E of this Section, fencing near any property line of an adjacent property shall be located or designed in such a manner as to maintain any potential vision clearance requirements, as determined by the Director.
4. Landscaping with the use of shrubs, vines and trees shall be incorporated into the design of the fence, utilizing variations in fence setbacks from the street property line where possible.
5. Common block masonry shall not be permitted as a finished material for any fence within a required yard abutting a street.

19.428.040 Required Fences in Multifamily Residential Zones.

In any RM Zone (including the RMH Zone), in connection with any development other than a residential use of not more than three dwelling units, a solid ornamental masonry shall be provided along all side and rear property lines which do not abut a street. Such fences shall be not less than six feet high and not more than seven feet high, unless a greater height is approved for noise attenuation or other mitigation of environmental effects.

19.428.050 Double Fences.

A. Any parallel fences constructed with less than 3 ft. separation shall be considered double fences. It is the intent of the City to discourage double fences whenever possible in order to avoid areas in which children and animals may become lodged, areas which may encourage rodent infestation, and areas which may accumulate litter and debris.

B. In instances where double fences are unavoidable, the gap between the fences shall be completely sealed with flashing, cement cap, or other material in a manner acceptable to the Planning and Building Divisions.

C. Where a new fence is required along a property line and an existing fence or wall is located on the opposite side of the property line, the Director may suspend the requirement for the new fence provided that the existing fence can substantially satisfy all requirements of this Division and/or any conditions of an approval. Such suspension shall become null and void once the adjacent wall or fence is removed or found unacceptable by the Director and the requirement for the new fence shall be complied with at such time.

19.428.060 Security Gate Standards.

A. General Requirements.

1. **Definition.** For the purpose of this Section, security gates shall be defined as any gate, door, or other barrier that limits or restricts public access to or from a property. This definition does not include any barrier securing a pool area, an individual garage, private patio, yard, or living area, or such storage room, recreation rooms, or similar areas not intended for general public access.

2. Proposed residential developments in the RM zones shall indicate during the site plan process prospective plans for future security gates and fencing installation.

3. Security gates shall conform to all other provisions of this Chapter, except where such provisions may conflict with the requirements of this Section.

B. Pedestrian Access. For any security gate that restricts pedestrian access to dwelling units of any multifamily residential development in the RM zones, an intercom or telephone system shall be provided at the gate for each dwelling unit with restricted access as a condition of approval of the security gate.

C. Vehicular Access. For any security gate that restricts vehicular access onto any multifamily residential development in the RM zones, the following requirements shall apply;

1. All vehicular security gates shall be constructed of material that is not view-obscuring.

2. All vehicular security gates shall be automatically operated by remote control devices. Furthermore, such vehicular gates shall not be permitted to swing in or out.

3. **Pedestrian Access.** A separate pedestrian walkway leading from the public sidewalk into a development shall be provided for any development with a security gate across a vehicular access driveway.

4. **Gate Width.** Vehicular entry gates shall open a minimum 20 ft. to completely clear the minimum driveway width. Additional width may be required by the City for access or circulation purposes.

5. **Gate Setback.**

i. For any development located on a street with a traffic count of 2000 cars or fewer per day, a security gate across a vehicular driveway shall be setback from the street property line a minimum of 15', except that, for an existing development, the setback may be reduced to a minimum 12' if it is deemed necessary.

ii. For any development located on a street with a traffic count of more than 2000 cars per day, a security gate across a vehicular driveway shall be setback from the street property line a minimum of 40'.

6. **Vehicular Turnaround.** A turnaround area outside of the gate shall be required for any development of 2 or more units which is located on a street with a traffic count of more than 2000 cars per day or for any development of more than 20 dwelling units.

7. **Trash Pickup.** A means of entry, to be approved by the City-franchised trash disposal service, shall be provided which automatically opens the vehicular gate(s) for trash pickup. Furthermore, all 3 cubic yard trash bins shall remain within City-approved trash storage facilities for removal by the franchise service at the location of the trash storage area.

D. Emergency Response Access. Prior to the issuance of any permits, fence plans with security gates shall be reviewed and approved by the City Fire and Police Departments as to any required compliance with the following standards.

1. To facilitate access by Fire Department personnel, a key switch box, or other approved device, shall be provided for all pedestrian and vehicular security gates.

2. To facilitate access by City law enforcement officers, a key pad, or other approved device, shall be provided for all pedestrian and vehicular security gates. Furthermore, vehicular gates must provide egress for law enforcement vehicles.

Chapter 19.432 Development Standards - Landscaping

Sections:

19.432.010	Where Required.
19.432.020	Plan Approval Required.
19.432.030	Landscape and Maintenance.
19.432.040	Irrigation System and Maintenance.

19.432.010 Where Required.

A. In all zones, all required yards which abut streets shall be permanently landscaped except for any portion of such yards occupied by permitted encroachments or, for a single family use, located inside permitted fences at least six feet high.

B. For single family uses, a minimum of 30% of each required yard abutting a street shall be permanently maintained with landscaping. The requirement of this section shall not preclude the provision of access walkways and driveways which meet other minimum requirements of this Division.

C. Except for single-family uses (one detached single-family dwelling on a lot), all portions of a developed site not occupied by other permitted facilities shall be permanently landscaped.

D. Parking Lot Landscaping Improvements.

1. Landscaped Buffers Along Streets. Except at driveway and walkway openings and as required for vision clearance by Section 19.436.030, the required setback areas for parking areas of Section 19.436.080 shall be landscaped with one or a combination of the following requirements:

a. Ornamental masonry wall or hedge, two feet high, at the perimeter of the parking area facing a street,

b. Landscaped berm, ten feet wide and two feet high.

2. Landscaped Buffers Along Alleys. Other than for a single family use and except for driveways and walkways, a landscaped planter shall be provided along all parking areas adjacent to an alley pursuant to Section 19.436.080 (E.2).

3. Interior Landscaping. Within the parking area of any parking lot other than a single family use, landscaping with trees and some combination of shrubs, vines, and ground cover shall be provided pursuant to Section 19.426.080(E.5). Such landscaping shall be reasonably distributed throughout the area, but in any case shall include any vehicular overhang area of any open parking stalls with wheelstops, in order to avoid a monotonous appearance and to enhance the visual attractiveness of the area, especially those portions in public view.

4. Landscape Buffer Adjacent to RS Zones. Other than a single family use, any parking area in the RM zones located adjacent to a RS zone shall be provided with a landscape buffer consisting of trees and some combination of shrubs, vines and ground cover pursuant to Section 19.436.080 (E.4).

5. Landscape Buffer Adjacent to Residential Structures. Where required under Section 19,436,080 (E.3), a landscaped buffer shall be provided between a residential structure and an adjacent parking area, loading area, driveway, or other area provided for vehicular circulation. Such landscaped area may include walkways, uncovered porches, and exterior stairways and balconies, provided at least sixty percent of the total required buffer area is occupied by plant materials.

19.432.020 Plan Approval Required.

- A.** Except for a single family dwelling on a separate lot, a landscape and irrigation plan for any newly established landscape area shall be submitted for zoning compliance review and approval.
- B.** The landscape and irrigation plan shall clearly identify the following criteria:
 - 1. Property lines and property address.
 - 2. Streets, driveways, walkways, recreational areas, and other paved areas.
 - 3. Pools, water features, fences, and retaining walls.
 - 4. Existing and proposed buildings and structures.
 - 5. Landscaping materials, trees, shrubs, vines, ground cover, turf, and other vegetation. Planting symbols shall be clearly drawn and plants labeled by botanical name, common name, container size, spacing, and quantities of each group of plants indicated.
 - 6. An approximate calculation of the total landscape area.
- C.** Except for a single family dwelling on a separate lot, a landscape and irrigation plan with a total landscape area over 2,500 sq. ft. shall be prepared and/or certified by a licensed landscape architect or contractor, certified irrigation designer, or other licensed or certified professional in a related field.
- D.** Minimum acceptable plant sizes shall be determined by policy of the Director and/or as conditions of approval for an administrative action pursuant to Division 1.
- E.** Landscape and irrigation plans shall be approved prior to the issuance of permits for such work or prior to the issuance of any permits (i.e. building permits) for any associated work approved by an action of the Zoning Administrator, Planning Commission, or City Council pursuant to Division 1.

19.432.030 Landscape and Maintenance.

- A.** All landscaping shall be maintained in a healthy and attractive condition.
- B.** Landscaping for other than a single family dwelling shall consist predominantly of drought-tolerant plants, as widely recognized within the horticultural industry or as recommended by a California-licensed Landscape Architect. In addition, such landscaping shall comply with the following criteria.
 - 1. Water-thirsty plants may be used in limited numbers but shall be grouped together within a cooler, sheltered area such as adjacent to a structure or within an entry area or courtyard.
 - 2. Plants with similar water, soil, and sunlight requirements shall be grouped together within a separate irrigation system.
 - 3. A mulch of at least three inches shall be applied to all new planting areas, other than turf areas, to reduce water evaporation and help suppress weeds.
 - 4. A living, drought-resistant ground cover shall be used for all planter areas to reduce soil erosion, to insulate the soil from temperature extremes, and to reduce evaporation.
 - 5. New lawns shall be established with the use of hydroseeding or sod, utilizing the more drought tolerant varieties of improved fescues or Bermuda hybrids.
 - 6. Lawns shall be maintained and periodically thatched and mulched in accordance with standard horticultural practices to maintain maximum water penetration and avoid excessive water run-off

7. Boulders, rocks, and gravel may be used for a ground cover material only as a special design element upon approval of the Planning Division.

C. Curbs Required. All landscape planters for other than a single family dwelling shall be separated from all parking and loading spaces, parking aisles, and driveways with a minimum 6 inch high concrete curb. In addition, for any such landscape area adjacent to a public sidewalk, in which the grade of the planter is higher than the sidewalk and which is planted with ground cover other than a hydroseeded or sodded lawn, a minimum 6 inch high concrete curb shall be provided alongside the public sidewalk to preclude soil erosion across such sidewalk.

19.432.040 Irrigation System and Maintenance.

A. Except for single-family uses (one detached single-family dwelling unit on a lot), all required landscaping shall be provided with a permanent underground irrigation system. The irrigation system shall consist of piped water lines terminating in an appropriate number of sprinklers or other outlets to insure complete coverage of water for plants within the landscaped areas.

B. Any permanent, underground irrigation system, whether required or not, shall comply with the following criteria:

1. Permits are required prior to installation of any permanent, underground irrigation system.

a. Off-Site Work. Irrigation systems exclusively in City rights-of-way require permits issued by the Construction Services Division of Public Works. Any system within City rights-of-way shall meet the minimum requirements outlined under Engineering Standard No. ISP-1.

b. On-Site Work. The Building Division will issue permits for on-site and combination on-site and off-site installations. Permit fees shall be in accordance with the applicable sections of the City Code.

2. **Backflow Prevention Devices.** All irrigation systems shall be protected by an approved type and size of backflow prevention devices, as required by the Construction Services Division of Public Works.

3. After installation, the system shall be flushed thoroughly to remove dirt and debris prior to installation of the sprinkler heads.

4. All sprinkler heads shall be adjusted and maintained to minimize overspray upon public access ways in order to reduce the undermining of surface areas and to reduce water waste.

5. Irrigation systems shall be maintained in good working order.

C. In addition to the requirements of subsection B of this section, any required permanent underground irrigation system for a development with more than 2,500 sq. ft. in landscape area shall comply with the following criteria:

1. Each irrigation systems shall be equipped with an automatic controller with a mechanical or solid state timer capable of operating valve stations to set days and length of time.

2. Each irrigation system shall be equipped with a rain sensing override device which automatically shuts off the irrigation system when it rains.

3. Whenever possible, landscape irrigation shall be scheduled between 2:00 a.m. and 10:00 a.m. to avoid irrigation during times of high wind or high temperature.

4. For larger developments, the following criteria may be required when considered appropriate under a department policy of either the Planning Division or Construction Services Division of Public Works.

a. A soil moisture sensing device may be required where appropriate to measure soil moisture and maintain efficient irrigation schedules.

b. A separate landscape water meter may be required.

Chapter 19.436

Development Standards - Vehicular Provisions

Sections:

19.436.010	Street Dedication and Improvement.
19.436.020	Vehicular Provisions for Non-residential Uses.
19.436.030	Vision Clearance.
19.436.040	Residential Driveway Standards.
19.436.050	Parking Spaces Required.
19.436.060	Residential Parking Location.
19.436.070	Residential Parking Dimensions and Layout.
19.436.080	Residential Parking Improvements.

19.436.010 Street Dedication and Improvement.

No building permit shall be issued until the following requirements are met:

A. All streets, alleys, and other public rights-of-way shown on plans approved by the City Council and which abut the subject property shall be dedicated to the planned right-of-way line or a deed of dedication deposited in escrow with an escrow agent acceptable to the City Attorney, the delivery of which is conditioned upon the required permit being granted.

B. All improvements of streets, alleys, and other public rights-of-way which abut the subject property and are required in order to conform to improvement standards approved by the City Council shall be installed, or a performance bond, in a reasonable amount to be determined by the City Engineer, with sureties to be approved by the City Attorney, shall be filed with the City Clerk, or cash in a like amount shall be deposited with the Finance Director to be placed in a trust fund.

19,436.020 Vehicular Provisions for Non-residential Uses.

With the exception of required yards and setbacks (see Chapter 19.420) and landscape buffer requirements of Section 19.436.080, the vehicular provisions of Chapter 19.536, Division 5 for commercial uses shall apply for any permitted non-residential use in the RM zones.

19.436.030 Vision Clearance.

A. Vision clearance areas shall be provided as follows:

1. On any corner lot: a triangular area at the street intersection measuring fifteen feet along each street property line (or the projections thereof parallel to the centerlines of the streets) from the point of intersection of such property lines (or the projections thereof);

2. At the intersection of an alley with a street, or at the intersection of two alleys, or at an angle point where the alignment of an alley changes by sixty degrees or more: a triangular area measuring fifteen feet along each street or alley property line from the point of intersection of the property lines;

Division 4
Multifamily Residential Zones
- Buena Park Zoning Ordinance -

3. At any driveway entrance from or exit to a street: triangular areas on each side of the driveway measuring fifteen feet along the street property line and fifteen feet along the edge of the driveway from the point of intersection of the edge of the driveway with the street property line;

B. Within a required vision clearance area there shall be no fence, tree, shrub, or other obstruction to sight between two feet and seven feet above the established street grade. Where the vision clearance area for an existing driveway falls on adjacent property, no additional obstruction in the two-foot to seven-foot height range shall be placed in the vision clearance area except a fence which meets the fence design criteria for vision clearance areas under Section 19.428.030. Where existing obstructions exist on adjacent property in the two-foot to seven-foot height range, any new driveway constructed on the subject property shall be located so as to not have any such obstructions in its vision clearance areas.

C. **Permitted Encroachments.** The following encroachments are permitted within the minimum required vision clearance area:

1. Utility-owned pole lines within approved easements.
2. Access walkways.
3. Fences, walls, hedges, and berms, subject to the design criteria under Section 19.428.030.
4. Landscaping, other than hedges, not over 2' high.

Table 19.436.040

DRIVEWAY WIDTHS		
Zone	Minimum Driveway Width	Maximum Driveway Width
RM-10, RM-20:		
Not more than three dwelling units on lot	12 feet (2)	25 feet
More than three dwelling units on lot	20 feet	25 feet

(2) To preclude backing out onto a street, for any multifamily dwellings on property with access on a secondary or greater highway, as denoted in the Buena Park General Plan, the minimum driveway width shall be 20'.

19.436.040 Residential Driveway Standards.

A. In case of any conflict between the requirements of this section and any safety requirements pursuant to the Fire Code, the Fire Code requirements shall prevail.

B. Every garage, carport, parking area, or other off-street vehicular area shall be connected to one or more public streets or alleys by one or more driveways meeting the standards set forth in this section.

C. **Driveway Width.**

1. The width of any driveway shall be within the limits shown in Table 19.436.040.

2. Where the driveway approach width at the street property line required by the City Engineer pursuant to Title 12 is different from the driveway width required by this section, a variable width transition segment outside the street right-of-way shall be provided to provide a smooth connection.

3. Permitted Encroachments. The following encroachments are permitted within the required minimum driveway width:

- a. Projections from buildings, with the minimum required height clearance of subsection D of this section, such as;
 - i. Cantilevered eaves, awnings, and shading devices.
 - ii. Architectural features - sills, cornices, buttresses, etc.
 - iii. Mechanical equipment cantilevered from building.
 - iv. Balconies, second floor overhangs, and porte cocheres.
- b. Utility-owned pole lines within approved easements.
- c. Access walkways.
- d. Security gate, subject to vision clearance requirements of Section 19.436.030 and the fence requirements of Chapter 19.428.

D. Driveway Height Clearance. Within the required driveway width, there shall be no obstruction from the driveway surface to a height of eight feet. In addition, any portion of a driveway not covered by a building or porte cochere shall be unobstructed to a height of fourteen feet.

E. Driveway Curvature. The minimum turning radius for any curve in a driveway shall be twenty-five feet measured to the outside edge of the driveway.

F. Driveway Circulation Pattern.

- 1. Driveways and on-site circulation shall be arranged so that vehicles are not required to back into a street, with the following exceptions;
 - a. Single family dwellings.
 - b. A lot with 3 or fewer units with vehicular access on other than a secondary or greater highway as denoted in the Buena Park General Plan.
- 2. Any garage or carport with its vehicular entrance facing a street, where permitted under subsection 1 of this section, shall be set back at least twenty feet from the street property line in order to allow temporary parking in the driveway without obstructing any portion of a public right-of-way.
- 3. There shall be no direct entry from an alley to a parking space in order to preclude backing from a parking space into an alley in the RM zones.
- 4. In all residential zones, there shall be no circular driveway in a front yard area with two driveway entrances from the same street unless the street frontage on such street is one hundred twenty feet or more.

19.436.050 Parking Spaces Required.

A. In connection with the use of each lot, sufficient off-street parking space shall be provided to meet the demand created by all activities on the lot. The minimum requirements for residential uses shall be as shown in Table 19.436.050, entitled Parking Spaces Required. Additional requirements may be imposed, based upon substantiated estimates, as a condition of approval of a development under site plan review, conditional use permit, or other development approval procedure provided for in this Title. For uses or property for which no parking requirement is set forth in Table 19.436.050, nor previously determined under the interpretation procedure (Section 19.128.010), nor established under a development approval procedure, a parking requirement shall be determined for that type of use pursuant to the interpretation procedure set forth in Section 19.128.010.

B. Any fractional space requirement resulting from the calculation of required parking spaces shall be disregarded if less than 0.50 space and shall be counted as one required space if 0.50 or greater.

Table 19.436.050

PARKING SPACES REQUIRED

Use	Parking Spaces Required
RESIDENTIAL USES:	
• Single family dwelling .	2 garage spaces
Multifamily apartments:	
• in RM-10 Zone.	2 garage spaces per dwelling unit.
• in RM-20 Zone.	1 space in garage or carport plus 1 other space per dwelling unit. In apartment complexes of 4 or more units, a minimum of 25 percent of required parking shall remain open.
• Condominium, cooperative apartment, community apartment.	2 garage spaces plus 0.33 visitor space per dwelling unit.
• Mobilehome park.	2 spaces (tandem parking permitted) plus 0.25 visitor space per unit.
Group quarters:	
• Rooming house, dormitory, sorority, fraternity, etc.	1 space per sleeping room (plus 1 space per 100 square feet of total net floor area in sleeping rooms which are in excess of 150 square feet in each such room) plus 2 spaces for any manager's dwelling unit.
• Religious group quarters.	0.5 space per sleeping room (plus 0.5 space per 100 square feet of total net floor area in sleeping rooms which are in excess of 150 square feet in each such room).
Community residential care:	
• Small group care home.	2 spaces (in garage).
• Other community residential care facility.	To be determined under conditional use permit based on licensed capacity, type of care, and number of employees.

NON-RESIDENTIAL USES:

(For parking space requirements of non-residential uses, refer to Section 19.536.040 of Division 5.)

19.436.060 Residential Parking Location.

A. Required residential parking shall be located on the same lot as the activities or uses served, except as follows:

1. Required parking may be located on a lot adjacent to the lot served subject to a recorded covenant as provided in subsection B of this section.
2. Any required parking provided by means of an off-street parking district is not subject to a specific location requirement.

B. Where required parking is not on the same lot as the activity or use served, a covenant running with the land shall be recorded by the owner of the parking lot guaranteeing to the City that the required parking will be maintained for the use or activity served.

19.436.070 Residential Parking Dimensions and Layout.

A. Except as further provided in this section, the layout of residential parking areas shall meet the standards shown in Table 19.436.070, entitled Parking Layout Standards.

B. There shall be a clear vehicular entry to every required parking space at least equal in width to the required width of the space, except that for spaces in residential garages or carports, the vehicular entry widths shall be at least equal to the minimum door or opening widths as required by Section 19.416.060.

C. Each parking space and aisle shall have a clear height of at least six and one-half feet, except a storage bin may project not more than two and one-half feet into the front of a parking space with a clear height from the parking surface of at least four feet. For residential visitor parking spaces, at least twenty percent of the spaces provided together with their associated parking aisles shall have a clear height of at least seven feet.

D. Parking spaces for the handicapped shall be provided in accordance with State standards.

E. Required parking spaces shall meet the requirements for standard car parking as shown in Table 19.436.070, entitled Parking Layout Standards; except, for any parking area of ten or more spaces other than residential garage spaces, not more than thirty percent of the required spaces may be for compact car parking.

F. Layout of parking spaces shall comply with the driveway circulation requirements of Section 19.436.040.

Table 19.436.070

PARKING LAYOUT STANDARDS										
Type of Space:	Stall		Aisle Width (in feet)							
	Width in feet	Length in feet	One-Way				Two-Way			
			30°	45°	60°	90°	30°	45°	60°	90°
Standard Car Parking:										
Angle Parking:	10	20	15	19	20	25	20	20	20	25
Parallel parking	8	23								
Compact Car Parking:										
Angle parking	8	16	13	15	20	25	20	20	20	25
Parallel parking	7	18								

19.436.080 Residential Parking Improvements.

A. Except as otherwise specified in this Title, parking may be provided in parking lots, carports, garages, or other parking structures.

B. Drainage. All areas for the movement, parking, loading, repair, or storage of vehicles shall be graded and drained to dispose of surface water. In all cases except single-family residential uses, drainage shall be arranged to prevent surface flow across walkways and driveways.

C. Paving.

1. All areas for the movement and parking of vehicles shall be paved and maintained to eliminate dust and mud, to provide an even, unbroken driving surface, and to present a uniform appearance. This requirement shall not apply to:

a. Non-required parking spaces for single-family dwellings.

b. That portion of a mobile home site beneath the mobile home.

2. For all residential uses, all driveway approaches, driveways, required parking areas, and floors of carports and garages shall be portland cement concrete with a minimum four inches thickness. Other similar paving material may be permitted by the Director for driveways and parking areas, provided it is determined to be equivalent in useful life, serviceability, and appearance.

D. Wheelstops. In all angle parking stalls (including ninety-degree parking) facing the perimeter of an uncovered parking area, a six-inch high poured-in-place concrete curb shall be provided, located three feet inside the front boundary of the stalls, with the area between the curb and the front boundary of the stall to be landscaped.

E. Landscaping.

1. Landscaped Buffers Along Streets. Every parking area adjacent to a street, including vehicular overhangs, shall be set back from the street as indicated in the table below. Such setback areas shall be permanently landscaped in accordance with the requirements of Chapter 19.432.

**Minimum setback from
property line for parking**

Front property line	15 feet
Side property line, adjacent to street	10 feet

2. Landscaped Buffers Along Alleys. Every parking area adjacent to an alley, except parking for a single-family dwelling, shall be set back from the alley line a minimum of four feet, with no vehicular overhand permitted. Except for driveways and walkways, such setback area shall be permanently landscaped in accordance with the requirements of Chapter 19.432.

3. Landscape Buffer Adjacent to Residential Structures. Where a parking area, loading area, driveway, or other area provided for vehicular circulation faces a wall of a multifamily dwelling or group-quarters building with windows, doors, or similar openings on the first floor in such wall (other than openings which are only for utility access or emergency exit), a landscaped area at least seven feet wide shall separate the vehicular area from the building. Such landscaped area may include walkways, uncovered porches, and exterior stairways, provided at least sixty percent of the total required buffer area is occupied by plant materials.

4. Landscape Buffer Adjacent to RS Zones. Other than a single family use, any parking area in the RM zones located adjacent to a RS zone shall be provided with a landscape buffer consisting of a minimum 6 ft. high ornamental block fence and a minimum 5 ft. wide planter along the abutting property line.

5. Interior Landscaping. Within the parking area of any parking lot other than a single family use an area equal to at least seven percent of the total parking and driveway area shall be landscaped. Interior parking lot landscaping shall be reasonably distributed throughout the area, but in any case shall include any vehicular overhang area of any open parking stalls with wheelstops. All portions of a parking area not improved for parking aisles and stalls and more than five feet by five feet in size shall be landscaped. Any portion of the parking area not landscaped shall be paved. At all boundaries between landscaped areas and paving, a six-inch-high concrete curb shall be provided.

F. Screening in the RM Zones. In the RM zones, not including the RMH Zone, any parking area located in front of a main building or within sixty feet from a street property line shall be screened from public view by one of the following methods:

1. The parking shall be within a garage building or garage portion of a main building which is architecturally integrated with the main building.
2. The parking shall be effectively screened by ornamental fences, hedges or berms, or some combination thereof, at least four feet high, and including trees in any case. Erosion from such landscaped area onto any public walkway shall be prevented by sod, ground cover, or a six-inch-high concrete curb.

G. Marking of Parking Spaces.

1. All residential parking spaces serving more than three dwelling units on a lot, shall be marked with single or double lines separating stalls.
2. Spaces for handicapped parking and for compact cars shall be so identified.

H. Lighting. Except for a single family dwelling, security lighting shall be provided in all parking areas accessible to public entry after dark, subject to the following criteria:

1. All artificial lighting shall be so designated to provide safety and security to the property users, as well as the enhancement of the general appearance of the development. Use of unhooded, bare bulbs shall be avoided.
2. Building-mounted lighting fixtures shall not project above the fascia or roof line. Recessed wall mounts are encouraged.
3. The height of pole-mounted luminaires shall be sufficient to adequately light an area without creating any glare on adjacent properties.
4. All luminaires shall be designed, shielded, or aimed in such a manner so as not to produce glare upon adjacent properties or rights-of-way.
5. All required lighting shall be permanently maintained as a condition of the use.

Division 4
Multifamily Residential Zones
- Buena Park Zoning Ordinance -

Chapter 19.440 Development Standards - Utilities And Mechanical Equipment

Sections:

19.440.010	Undergrounding of Utilities
19.440.020	Visual Screening of Mechanical Equipment
19.440.030	Communications Antennae Placement in Residential Zones.
19.440.040	Receive-only Television, Satellite Dish, and Radio Antennae Placement in Residential Zones.

19.440.010 Undergrounding of Utilities.

A. In connection with the new construction or relocation of a main building, or a change of use to a nonresidential use, all utility lines within the site boundaries shall be placed underground. Necessary surface-mounted utility equipment is permitted, provided it is screened from public view in the same manner as required for mechanical equipment as provided in Section 19.440.020.

B. The provisions of this section may be waived pursuant to the procedure provided under Section 19.128.060.

19.440.020 Visual Screening of Mechanical Equipment.

A. All exterior equipment, whether freestanding or attached to a building, including pipes, conduit, and duct work shall be effectively screened from public view or architecturally integrated into a building structure, with the following exceptions:

- 1.** Ordinary vents on single-family dwellings;
- 2.** Window-mounted air conditioning units on single-family dwellings;
- 3.** Solar panel surfaces (but not supports, piping, etc.);
- 4.** Outdoor lighting standards and fixtures.

B. It is the intent of the City to encourage all new construction to provide for any such equipment during the initial design stages by parapets, penthouses, etc. Existing facilities, or those structures under construction may screen such equipment with architecturally designed screens.

C. Plan check (Retrofits). Applicant shall submit two copies of a plot plan which shall indicate clearly and by full dimensions the following information:

- 1.** Lot dimensions
- 2.** All buildings and structures: location, size, height, and proposed use.
- 3.** All walls, fences, and landscaping: location, height, and materials.
- 4.** Location of equipment proposed to be installed.
- 5.** Elevations of equipment and proposed screening, depicting colors, materials, and dimensions of screening.

D. Design/Materials

1. Screening must be architecturally consistent with the facility in terms of design type and colors. Effective screening does not call attention to itself, but quietly complements the building.
2. No raw or untreated materials shall be used on roof or building mounts. Fire Code requirements for the particular use and/or building will determine the permitted combustible or non-combustible material.
3. On ground mounts, view obscuring ornamental block, wood, and earth berms with acceptable landscaping may be used to provide effective architectural screening, if the treatment is deemed to be consistent with the overall design concept.

E. Treatment of Above-grade Transformers; Meters; Gas Manifolds, etc. It is the intent to encourage the placement of such equipment in underground vaults. If placed above grade for a single family dwelling, such equipment shall be located in a side yard out of direct view from the street. If placed above grade for other than a single family dwelling, such equipment shall be located and screened from public view by an architectural screen and landscaping, subject to the approval of the Planning Division staff.

F. Maintenance. All screening devices shall be permanently maintained as a condition of the use.

19.440.030 Communications Antennae Placement in Residential Zones.

A. Communication antennae (including guy wires, supports, and antennae elements) shall be permitted anywhere on a lot except in front or side yard setback areas abutting a street and in required rear and side yard setback areas.

B. Communication antennae shall not be supported by wooden towers.

19.440.040 Receive-only Television, Satellite Dish, and Radio Antennae Placement in Residential Zones.

A. Receive-Only Antennae Weighing Less than Thirty-Five Pounds.

1. Any receive-only antenna weighing less than thirty-five pounds may be mounted in the rear yard, interior side yard, or on the roof of any residential structure, subject to all conditions hereinafter provided.
2. Any receive-only antenna weighing less than thirty-five pounds may be mounted in the front yard or street side yard of any residence, subject to conditions hereinafter provided, upon receipt of an antenna permit obtained in accordance with the provisions of subsection E of this section.

B. Receive-Only Antennae Weighing Thirty-Five Pounds or More.

1. Each receive-only antenna weighing thirty-five pounds or more shall be installed in the rear yard, except as hereinafter provided.
2. In the event overall quality of reception in the rear yard is not at least equal to that received by cable, or other circumstances preclude such installation, a permit may be obtained, in accordance with the provisions of subsection E of this section, authorizing the antenna to be located in order of preferred placement, in a side yard, on the roof of a structure, or in the front yard, subject to conditions hereinafter imposed.

C. Screening Required.

1. Each receive-only antenna visible to the public which has a surface area exceeding twenty square feet, or which is to be mounted in the front yard, shall be screened to the satisfaction of the City Planner or his designee. If such antenna is to be mounted directly, or through a supporting structure, to the ground, then such screening shall be accomplished through the use of appropriate plants, trees, or shrubbery and wood lattice or other material compatible with the residence or other structures. Plants, trees, or shrubs to be utilized for screening purposes shall have a minimum container volume of fifteen gallons at the time of planting. All such screening shall be on three sides and

shall be sufficiently high so as to screen ninety percent or more of the antenna from public view.

2. Each receive-only antenna with a surface area exceeding twenty square feet which is permitted to be roof mounted, shall be screened with materials compatible with the structure upon which such antenna is mounted and shall be screened to the satisfaction of the City Planner or his designee. Such screening shall be on at least three sides and shall be sufficiently high so as to screen at least ninety percent of the antenna from public view.

D. Conditions and Restrictions Applicable to All Receive-only Antenna Installations.

1. Location.

a. The preferred order of placement of any receive only antenna is rear yard first, then side yard, roof, and finally front yard.

b. No receive-only antenna, or its supporting structure, shall be installed in any required setback or in any other location which would impede emergency access to any portion of the subject property.

2. **Height.** No receive-only antenna shall exceed ten feet in height above the peak roof line of the structure upon which such antenna is mounted or ten feet above the peak roof line of the closest building or residential structure located on the subject property if such antenna is not to be roof mounted.

3. The provisions of Section 19.440.030 and this section hereinafter shall not be deemed to preempt or supersede contractual conditions, covenants, and/or restrictions which may prohibit such antenna installation.

4. No receive-only satellite dish antenna shall exceed ten feet, six inches in diameter.

5. Each receive-only satellite dish antenna shall be earth-tone or neutral in color and shall be constructed of a "see-through" mesh or open grid design. Solid surface receive-only satellite dish antennae, such as solid white fiberglass designs, are prohibited unless completely screened from view at all times.

6. Nothing herein shall excuse any person from obtaining all permits otherwise required or from complying with any and all applicable local and State codes, laws and regulations pertaining to the installation of antennae and/or antenna supporting structures.

E. Receive-Only Antenna Permit Application.

1. Where a permit is required, or application therefor is authorized, under any provision of Section 19.440.030 or this section, each person desiring a permit shall apply to the City's Planning Division. The applicant shall provide a completed application on a form provided by the Planning Division containing at minimum, the following:

a. Name, address, and telephone number of the applicant,

b. The specific location where the applicant proposes to install the antenna, including a detailed description of the antenna design and any supporting structure proposed to be utilized, including size, weight, and such other information as the Planning division may require,

c. Specific reasons as to why the antenna proposed to be installed should not be mounted in the rear yard, or otherwise, in accordance with the preferred order of placement, as herein prescribed,

d. If required herein, a description of the screening proposed to be utilized by the applicant,

e. A sketch or other drawing, satisfactory to the Director, showing:

i. Location of physical features on the subject property,

ii. Approximate dimensions (plus or minus one foot) of the subject lot and physical features thereon,

iii. The specific location where the antenna, and screening if required, are proposed to be installed,

- iv. Any other physical features in the area of the subject property which applicant feels would adversely affect reception in those areas set forth herein as "preferred," and
 - v. The design of the antenna and proposed support structure,
- f. A statement as to why the proposed antenna may not be satisfactorily installed, or will not satisfactorily function, in a preferred area, as prescribed herein,
 - g. A declaration made under penalty of perjury that either the property upon which the antenna is proposed to be installed is not subject to any contractual covenants, conditions, or restrictions, or alternatively, that any applicable contractual covenants, conditions, or restrictions do not preclude the installation of the antenna, as proposed by the applicant.
- 2. All applicants for an antenna permit may be required to show to the satisfaction of the Director that circumstances preclude installation in a preferred area, or that reception quality in the preferred area or areas is insufficient, as herein prescribed.
 - 3. Any person aggrieved by any provisions of this section due to exceptional circumstances may apply for an antenna permit in accordance with the provisions of subsection E of this section.

Chapter 19.444 Development Standards - Environmental Effect

Sections:

19.444.010	Noise Control.
19.444.020	Compliance with Airport Environs Land Use Plan for Orange County.
19.444.030	Lighting.
19.444.040	Maintenance and Operation.

19.444.010 Noise Control.

In addition to the requirements of Title 8, the following noise standards shall be met where applicable:

A. Residential Acoustical Design.

1. For all dwelling and group quarters, the development shall be designed to achieve:

a. Within each main building, a community noise equivalent level (CNEL) not exceeding forty-five decibels;

b. In outdoor areas, a community noise equivalent level (CNEL) not exceeding sixty-five decibels, except that where it is not reasonably possible to achieve this objective, the development shall be designed to provide the lowest noise level reasonably possible within private open areas and/or common usable open areas of at least one hundred square feet per unit, with access to such area available to the residents of each unit.

2. Acoustical design and analysis shall be based upon the projected noise contours as shown in the noise element of the General Plan. For all new residential developments, an acoustical analysis shall be submitted to the City as follows:

a. For any residential development within a sixty decibel CNEL contour, an analysis by a professional architect, engineer, or building designer shall demonstrate that the required noise levels will be achieved.

b. For any residential development within a sixty-five-decibels CNEL contour, or within either the moderate noise impact area or the significant noise impact area of the Fullerton Municipal Airport as shown in the noise element of the Buena Park General Plan, an analysis by a professional mechanical or acoustical engineer shall demonstrate that the required noise levels will be achieved. Prior to issuing a certificate of occupancy, the Building Official may require tests by a qualified acoustical technician to confirm that the noise reduction achieved is sufficient to meet the requirements of this section.

B. Air Conditioning Equipment. Exterior air conditioning equipment, other than self-contained window-mounted units in single-family dwellings, shall have a sound rating number (SRN) no greater than 8.2 bels, in accordance with ARI (Air Conditioning and Refrigeration Institute) Standard 270, or the equivalent.

19.444.020 Compliance with Airport Environs Land Use Plan for Orange County.

(RESERVED)

19.444.030 Lighting.

- A.** Lighting on any premises shall be directed, controlled, screened, or shaded in such a manner as not to shine directly on surrounding premises. Where adjacent owners enter into a written agreement, which shall be recorded, for the joint illumination of their premises, their combined properties shall be considered as a single premises for purposes of this regulation.
- B.** Lighting on any premises also shall be controlled so as to prevent glare on driveways, walkways, and public thoroughfares.
- C.** The use of unshaded clear bulbs in exterior lighting is prohibited.

19.444.040 Maintenance and Operation.

All uses and activities shall be operated and maintained so as not to be hazardous, obnoxious, or offensive due to air pollution, odor, dust, smoke, gas, water pollution, noise, vibration, illumination, glare, electromagnetic disturbance or other radiation, or similar effects detrimental to public health, safety, and welfare. All federal, state, and local laws and regulations concerning environmental protection shall be complied with.

Chapter 19.448 Special Requirements For Certain Uses

Sections:

19.448.010	Development Incentives for Affordable Rental Housing.
19.448.020	Mobilehome Parks.
19.448.030	Residential Condominiums, Stock Cooperatives, and Community Apartments.
19.448.035	Single Family Cluster Housing.
19.448.040	Home Occupations.
19.448.050	Yard Sales.
19.448.060	Animal Keeping.

19.448.010 Development Incentives for Affordable Rental Housing.

A. Purposes. The purpose of this section and section 19.408.030 of this Division is to offer recognizable reductions in building costs to promote the City's commitment toward available affordable housing.

B. Development Incentives.

1. For any rental housing development utilizing the affordable housing bonus provision of Section 19.408.030; the following development standards may be reduced; under site plan review, in exchange for the period of commitment of available affordable housing units as specified under section 19.408.020:

a. Open Area. The minimum required open area of Section 19.420.010 may be reduced to thirty-eight percent, with not more than one percent reduction in the common useable open area of Section 19.420.020.

b. Building Coverage. The maximum building coverage of net lot area of Section 19.416.040 may be increased to not more than forty-two percent.

c. Yards. The minimum required side and rear yards of Sections 19.420.060 and 19.420.070 may be reduced up to ten percent for such non-building floor area items such as stairways, walkways, balconies, and related building supports.

d. Parking Stall Width. Required minimum parking stall widths for regular parking stalls, other than within a garage or carport, of Section 19.436.070 may be reduced to 9 feet.

2. For an elderly housing development utilizing the affordable housing bonus provision of Section 19.408.030; the following additional development standards may be reduced, under site plan review, in exchange for the period of commitment of available affordable housing units as specified under section 19.408.030:

Division 4
Multifamily Residential Zones
- Buena Park Zoning Ordinance -

a. Residential Building Floor Area. The minimum floor area of each dwelling unit in Section 19.416.050 may be reduced to the following:

	Zero* Bedroom Unit	One Bedroom Unit	Two Bedroom Unit	Three or Plus Bedroom Unit
Minimum Floor Area:	450 sq. ft.	600 sq. ft.	800 sq. ft.	900 sq. ft. plus 100 sq. ft. each additional bedroom

b. Parking Spaces Required. The minimum parking spaces required under Section 19.436.050 may be reduced according to the following:

Type of Unit	Parking Spaces Required
Units with kitchens.	1 space per unit plus 2 spaces for any manager's dwelling unit and 0.25 visitor spaces per unit.
Units without kitchens.	0.5 space per unit plus 2 spaces for any manager's dwelling unit.

c. Furthermore, additional incentives and further reduction of development standards for elderly housing may be considered and authorized under the conditional use procedure of Section 19.128.020.

19.448.020 Mobilehome Parks.

A. Purposes. The purposes of this section and other provisions of this Division regulating mobilehome parks are to:

1. Protect the quality of mobilehome living;
2. Control abandonments of mobilehome parks and conversions of mobilehome parks to condominium-type ownership in order to avoid a shortage of affordable housing, avoid involuntary displacement of residents, and to mitigate relocation problems for displaced residents;
3. Protect the areas surrounding mobilehome parks from adverse effects.

B. Location and Use Approval. A mobilehome park on a site which is held in undivided ownership is automatically permitted in the RMH Zone, subject to the provisions of this Division, Title 15, and other applicable laws. A mobilehome park on a site held in divided ownership, including planned unit development, condominium, or stock cooperative forms of ownership, is permitted in the RMH Zone subject to a conditional use permit being granted and approval of a subdivision map.

C. Permitted Facilities and Activities.

1. All living quarters in a mobilehome park shall be mobilehomes approved under state or federal regulations, except one site-built dwelling unit for a manager or caretaker is permitted. Recreation vehicles shall not be occupied as living quarters within a mobilehome park.
2. The following accessory uses are permitted:
 - a. Recreational facilities for the use of residents and guests only;
 - b. Laundry for the use of residents only;
 - c. Home occupations, subject to the provisions of Section 19.448.040;
 - d. Office, maintenance, service, and utility facilities pertaining only to the operation of the mobilehome park;

e. Storage buildings and open storage areas for the use of residents only. Open storage areas shall be screened in accordance with Section 19.424.020.

D. Density. The maximum density of a mobilehome park shall be twelve dwelling units per net acre in the total site (as provided in Section 19.408.010).

E. Site Requirement. The minimum net site area for a mobilehome park shall be two hundred thousand square feet (as provided in Section 19.408.050).

F. Development Standards.

1. **Mobilehome Site Size.** The average size of mobilehome sites within each mobilehome park shall be not less than two thousand four hundred square feet. No mobilehome site shall have an area less than one thousand six hundred square feet.

2. **Foundations.** Permanent foundations for mobilehomes shall not be provided except foundations may be constructed in the case of a stock cooperative or condominium-type ownership where the mobilehome owner also has an ownership interest in the mobilehome site.

3. **Buildings.** No building shall be attached to or supported by a mobilehome.

4. **Height.** No building or structure shall exceed two stories or thirty feet in height, whichever is less.

5. **Open Area.** The ground coverage of each mobilehome site shall not exceed sixty percent.

6. **Setbacks.**

a. Abutting any surrounding streets, a mobilehome park shall have front and side yard setbacks of at least twenty feet.

b. Any common structures or facilities not over fifteen feet high shall be set back at least five feet from any property line abutting property in a residential zone.

c. Any common structures or facilities over fifteen feet high shall be set back at least ten feet from any property line abutting property in a residential zone.

d. On each mobilehome site, the mobilehome and any other structures or facilities shall be set back at least five feet from the boundaries of the site.

e. No encroachments shall be permitted in any of the required setback areas except as follows:

i. Landscaping, in any setback area;

ii. Fences not over three and one-half feet high, in any setback area;

iii. Fences three and one-half to seven feet high, in any setback area other than a required setback area abutting a street;

iv. Screened common storage areas, in perimeter setback areas other than a required setback area abutting a street and other than a required setback area on a mobilehome site.

7. **Trash Areas.** Trash storage facilities in compliance with the requirements of Section 19.424.010 shall be located within one hundred feet of each mobilehome.

8. **Storage.** All storage shall be within accessory storage buildings or screened enclosures which comply with the provisions of Section 19.424.020, whether such storage is located on individual mobilehome sites or as a common facility for residents.

9. **Fences.** An ornamental masonry wall at least six feet high and not more than seven feet high shall completely enclose all mobilehome park facilities except for entrance drives and walks and perimeter setback areas along street frontages.

10. **Landscaping.** All ground areas not covered by permitted facilities shall be landscaped.

11. **Access and Circulation.** A paved roadway at least thirty feet wide shall extend from a public street to each mobilehome site. Roadway improvements shall comply with the paving standards of Section 19.436.080 and any additional such standards adopted for mobilehome parks pursuant to Section 19.124.050.

12. **Parking.** Parking areas shall be provided as required by Chapter 19.436. Parking shall not be permitted within the minimum thirty-foot width of each roadway.

13. Community Facilities. Common usable open area shall be provided as required by Section 19.420.020. Suitable recreational facilities shall be provided for the use of residents such as swimming and therapeutic pools, clubhouses, tennis courts, shuffleboard courts, and landscaped park areas.

14. Signs. In lieu of the permit-exempt identification sign permitted by subsection D of Section 19.904.080, Division 9, one identification sign is permitted at each park entrance. Each such sign shall have a total sign face area of not more than twenty-four square feet. The total sign face area of all such signs shall not exceed one square foot for each dwelling unit in the park. In addition, a directory sign not exceeding twenty-four square feet in total face area, showing names, addresses, and locations of residents, may be located inside each entrance. Directional signs, not exceeding four square feet in total sign face area each and not more than four feet high, may be placed as necessary.

15. Utilities. Individual utility metering shall be provided for all mobilehome sites.

16. Site Plan Review. All development in a mobilehome park shall conform to a site plan approved pursuant to Section 19.128.040.

G. Ownership and Management. In connection with any approval of a conditional use permit and/or subdivision map for divided ownership of any mobilehome park, conditions shall be imposed requiring documents governing the ownership and management of the park which meet the same criteria as set forth for condominium documents under subsection E.5 of Section 19.448.030.

H. Conversion or Abandonment. In the event all or part of a mobilehome park located in the RMH Zone is proposed to be vacated, converted to another use, or converted to a planned unit development, condominium, or stock cooperative form of ownership, the following shall be required:

1. The mobilehome park owner shall give notice to all residents of the park and to the City Council at least one hundred eighty days in advance of such proposed abandonment or conversion.

2. During such one-hundred-eighty-day period, the owner shall hold open an offer of sale of the park to any association formed by and open to membership of all park residents for the purpose of acquiring ownership of the park.

3. If abandonment of mobilehome use in all or part of the park is proposed, such abandonment shall not take place until a change of zone has been initiated by the owner and acted upon by the City Council. (See California Government Code Section 65863.7)

4. If conversion to a new ownership form is proposed, a conditional use permit and subdivision map approval procedure shall be initiated by the current owner. In case of approval, the conditions of such approval shall require that residents be given the first right of refusal on the purchase of ownership rights in their respective mobilehome sites.

19.448.030 Residential Condominiums, Stock Cooperatives, and Community Apartments.

A. Applicability. This section applies to all multifamily residential developments utilizing a condominium, stock cooperative, or community apartment form of ownership (referred to hereafter in this section as condominiums), whether initially developed in that form or converted from an existing form of ownership and development.

B. Findings and Purposes.

1. It is found that residential condominiums differ from rental units in many respects, including the need for design, construction, and maintenance controls, and that it is necessary that standards for both the development of and conversion to condominiums be applied for the benefit of the public health, safety, and welfare.

Division 4
Multifamily Residential Zones
- Buena Park Zoning Ordinance -

2. The purposes of this section are to establish standards for the design, construction, management, operation, and maintenance of residential condominium developments; and to control conversions of rental units to condominiums in order to avoid shortages of rental housing, to avoid involuntary displacement of residents, and to mitigate relocation problems of displaced residents.

C. Location. Residential condominium developments regulated by this section are permitted in the RM Zones (not including the RMH Zone) subject to a conditional use permit granted pursuant to Section 19.128.020 and the requirements of the state Subdivision Map Act.

D. General Requirements. Residential condominium developments shall be subject to all requirements applicable to multifamily residential uses in the zone in which the condominiums are located.

E. Special Requirements.

1. **Storage.** For each condominium unit, there shall be a separate enclosed storage space of at least two hundred cubic feet. Such space shall have access other than from the interior of the dwelling unit and shall be weatherproof and lockable.

2. **Utilities.** Each condominium unit shall have separate utility service systems including water, gas, and electrical service. All services shall be individually metered to each unit. Units shall be served by individual sewer laterals that do not cross other individually owned space unless located in dedicated easements. Main sewer lines shall be in easements. Each unit shall have plumbing stacks separate from any other unit.

3. **Garages.** The minimum garage floor area for each unit shall be four hundred forty square feet. The minimum garage door width for each unit shall be one eighteen-foot door or two nine-foot doors.

4. **Affordable Units.** Each residential condominium development receiving any assistance from redevelopment funds shall make twenty-five percent of the units available for low and moderate income residents as such terms are defined for purposes of the City's housing assistance plan.

5. Ownership, management, operation, and maintenance responsibilities shall be governed by documents required under the California Civil Code, Title 6, Chapter 1 (Sections 1350 through 1360) and which provide for:

a. Right of access to common areas for City and other governmental representatives on official business;

b. A continuing owners' association with management responsibility, each unit with equal vote, the authority to levy assessments on an equitable basis, and a duty to give advance notice to the City of any changes affecting city requirements;

c. A means of re-assembly of the project into a single ownership and/or partition into more than one project.

6. Conversions of existing developments to residential condominium projects shall be permitted only when approval is granted pursuant to Section 19.128.020. No such conversion shall become effective until all existing structures are brought into compliance with current building and housing regulations including the City's building, plumbing, mechanical, electrical, and fire prevention codes.

19.448.035 Single Family Cluster Housing.

A. Purpose. The purpose of this section is to encourage single-family residential design which contributes to community objectives for open space, energy conservation, and architectural harmony.

B. Density.

1. Where contiguous sites for four or more single-family dwelling units are to be developed, the dwelling unit density may be increased by up to twenty percent of the density otherwise allowed (as provided in Section 19.308.020). Approval of such density increase shall be accomplished as part of the subdivision map approval

procedure (Title 18), and shall be based upon an objective evaluation of the degree to which the purposes of this section will be achieved by the design proposed in comparison with typical projects meeting the normal requirements of the City. In order to accomplish such evaluation, the conditional use permit review procedure prescribed by Section 19.128.020 shall be conducted concurrently with the tentative tract map procedure under Title 18 of this Code and the State Subdivision Map Act. If a cluster housing plan is approved, the recording of a final tract map shall be a condition of the conditional use permit approval.

2. Notwithstanding other provisions of this Division, a project approved under this section may include lots to be held in separate ownership which do not meet the site requirements otherwise applicable, provided the project site as a whole, including any land parcels to be held in common, satisfies the overall density requirement established. If any land parcels to be held in common ownership are created, it shall be a condition of the tentative tract map and site plan approvals that an association of owners be established similar to that required for residential condominium projects under Section 19.448.030 of Division 4.

C. Development Standards.

1. Notwithstanding other provisions of this Division, an approval under this section may include waivers of the front, side, and rear yard and space between building regulations otherwise applicable if it is determined that the project design offers at least equal safety and privacy with superior environmental quality.

2. **Common Useable Open Area.** For single family cluster housing developments of 10 or more dwellings, a common usable open area shall be provided with at least two hundred square feet per dwelling unit for the first twenty units, plus one hundred fifty square feet per dwelling unit for each additional dwelling unit. The minimum dimension of such common usable open area shall be 10 ft. in each direction and the least horizontal dimension shall be at least one-third of the greatest horizontal dimension.

3. **Lot Coverage.** The lot coverage for individual lots within a single family cluster development may exceed the maximum allowable 40%, provided that the total lot coverage of all structures within the development does not exceed 40% of the net project area, excluding common vehicular streets, driveway aisles, and guest parking.

19.448.040 • Home Occupations.

A. Purpose. The purpose of this section is to eliminate the detrimental effects of occupational activities in residential areas by setting forth reasonable and necessary limitations on such activities.

B. Uses Permitted. No home occupation shall be conducted which, in order to be successfully operated, would necessitate exceeding the limitations set forth in this section or any other provision of this Division.

C. Limitations.

1. Any sales activity shall be conducted only by mail or telephone.

2. The space occupied by home occupations shall be limited to one room in a dwelling unit. Garages and accessory buildings shall not be used for a home occupation.

3. There shall be no interior or exterior remodeling or change in appearance of a dwelling in order to accommodate a home occupation.

4. There shall be no signs or other structures except those permitted for a dwelling use in the zone.

5. There shall be no indoor or outdoor storage of materials or equipment pertaining to a home occupation.

6. Materials and equipment used in a home occupation shall be only of a type normally used in connection with household activities or hobbies.

Division 4
Multifamily Residential Zones
- Buena Park Zoning Ordinance -

7. Employment in a home occupation shall be limited to members of the resident family.
8. There shall be no transportation by commercial vehicle of materials or other items used in or produced by the home occupation.
9. No vehicular or pedestrian traffic shall be generated by the home occupation.
10. A home occupation shall not place any added burden or demand on utility services or community facilities.
11. A home occupation shall not present any external evidence of nonresidential activity such as by appearance, noise, vibrations, odors, lighting, or signs.

19.448.050 Yard Sales.

A. Purposes. The purposes of this section are to control the nature and frequency of yard sales in residential areas in order to maintain the noncommercial character of such areas and to prevent excessive traffic congestion and noise in such areas.

B. Location, Frequency, and Time. In any residential zone, on any one lot in residential use, a yard sale may be conducted on not more than two consecutive days in any six-month period. Sales shall be conducted only between eight a.m. and sunset.

C. Limitations. Items displayed, offered, or sold at a yard sale shall be only household items which have been in regular use or storage for six months or more on the same premises.

19.448.060 Animal Keeping.

A. Purpose. The purpose of this section is to reasonably control the number and types of animals being maintained within the City in order to protect the peace, health, and safety of residents and to preserve the urban and suburban quality of the environment.

B. Animals Allowed. No animal shall be kept or maintained within the RM zones except as follows:

1. **Household Pets.** Not more than three dogs and three cats per household plus any unweaned litter from such pets not over six months old, and parrots, canaries and other house birds of a similar nature. Rabbits and fowl (other than house birds) are prohibited. In addition, the following types of animals may be kept as household pets: hamsters, guinea pigs, white rats, white mice, turtles, salamanders, newts, chameleons, kangaroo rats, not more than three nonpoisonous reptiles not over six feet long, any nonpoisonous toad, lizard, or spider, and other animals of a similar nature as may be determined by interpretation pursuant to Section 19.128.010.

2. Animals may be kept in an educational institution for the purpose of instruction, provided such animals are securely confined and properly cared for in a manner satisfactory to the Orange County poundmaster.

C. Limitations.

1. No person shall keep, maintain, or permit on any lot, parcel of land, or premises under his control, any animal which by any sound or cry disturbs the peace and comfort of the inhabitants of the neighborhood or interferes with any person in the reasonable and comfortable enjoyment of life or property. Nor, shall any person maintain any animals in such a manner as to cause the breeding of flies or the creation of obnoxious odors, or in any manner which becomes or is a nuisance or health hazard.

2. All animals shall be kept under control at all times by leash, fences, pens, corrals, cages, or suitable enclosures within buildings.

3. All animal-keeping structures shall conform to any applicable zoning and building code requirements.

4. Any premises where animals are kept shall be open to reasonable inspection by City personnel and other public officers have responsibility for enforcement of animal-control regulations.

Division 5 Commercial and Industrial Zones

Chapters:

- | | |
|---------------|--|
| 19.504 | Purpose and Description of Commercial and Industrial Zones |
| 19.508 | Intensity of Use and Site Requirements |
| 19.512 | Uses |
| 19.516 | Development Standards - Buildings |
| 19.520 | Development Standards - Yards and Open Space |
| 19.524 | Development Standards - Outdoor Improvements |
| 19.528 | Development Standards - Fences, Walls, Hedges, and Berms |
| 19.532 | Development Standards - Landscaping |
| 19.536 | Development Standards - Vehicular Provisions |
| 19.540 | Development Standards - Transportation Demand Management Requirements for Specified New Development |
| 19.544 | Development Standards - Utilities and Mechanical Equipment |
| 19.548 | Development Standards - Environmental Effects |
| 19.552 | Development Standards - Special Requirements for Certain Uses |

Chapter 19.504 Purpose And Description of Commercial and Industrial Zones

Sections:

- | | |
|-------------------|--|
| 19.504.010 | Purpose and General Plan Consistency. |
| 19.504.020 | Description of Zones. |

19.504.010 Purpose and General Plan Consistency.

The General Plan outlines goals and objectives, with regard to commercial and industrial uses and development. The purpose of this Division is to implement those General Plan goals and objectives that relate to commercial and industrial land uses as follows:

- A.** Provide for the establishment of a wide range of employment and economic opportunities within the community.
- B.** Provide for appropriate facilities to serve the needs of the residents and visitors of the community.
- C.** Promote a fiscal balance for the community.
- D.** Protect the health and safety of the community from natural or man-made hazards.
- E.** Protect existing residential neighborhoods and certain other uses from adverse health and safety conditions.
- F.** Enhance the visual, economic, and environmental character of the community.

19.504.020 Description of Zones.

The following commercial, industrial zones, and specific plan zones with their general purpose as indicated, have been created to implement the goals, objectives, and land use designations of the General Plan.

A. Commercial Zones.

- 1. CO, Office Zone.** To provide for primarily professional and business offices serving the community in an attractive environment and to protect adjacent residential areas from adverse effects of excessive commercial activity.
- 2. CS, Community Shopping Zone.** To provide primarily for shopping centers varying from neighborhood convenience centers to a major regional shopping center, and to provide within such centers for conveniently grouped stores with adequate parking.
- 3. CG, Commercial General Zone.** To provide for the variety of commercial activities needed to serve the community, primarily located in the central area of the City and secondarily located along arterial street frontages.

B. Industrial Zones.

- 1. CM, Commercial Manufacturing Zone.** To provide for commercial activities requiring larger site areas than available in the central area of the City, and for limited commercial and limited industrial services not appropriate for location in the central commercial areas or in heavier industrial zones.

Division 5
Commercial / Industrial Zones
- Buena Park Zoning Ordinance -

2. MR, Research Manufacturing Zone. To provide for administrative or executive offices of business and industrial concerns, scientific research offices and laboratories, restricted manufacturing activities, and compatible appurtenant uses, all in a highly attractive and pollution-free environment.

3. ML, Light Industrial Zone. To provide for small and medium size industrial uses which are not likely to have adverse effects upon each other or upon neighboring residential and commercial areas.

4. MH, Heavy Industrial Zone. To provide for manufacturing and distribution plants which require relatively large sites, to protect such uses from the disruptive effects of unrelated commercial or other activity in their midst, and to protect the surrounding community from adverse environmental effects of industrial activity.

C. Specific Plan Zones. The following described specific plans are adopted together with their real property designations. A full, true and correct copy of the text of each such specific plan is maintained in the office of the City Clerk and in the office of the Director of Development Services. The specific plans are not codified as part of this Division, but, rather, they are separately bound and made available to the public and for purchase. The specific plans govern the land use and development standards for property identified on the Zoning Map with the following designations.

1. ECSP, Entertainment Corridor Specific Plan. To provide for the continued development, preservation, and enhancement of integrated major tourist entertainment attractions and visitor-serving commercial uses in attractive settings that are unique and distinctive from the conventional use pattern of independent and unrelated businesses.

D. Overlay Zones. The following designations are established which may be combined by notation on the zoning map with any of the zones listed above in order to accomplish the additional purposes indicated below:

1. P, Parking Overlay Zone. To provide for and encourage the development of needed parking areas to serve adjacent commercial and public service uses located in the central area of the City. Such parking use is intended to be arranged within residential zones adjacent to commercial zones in a manner which protects the residential areas from undue adverse effects of adjacent commercial activity and may lead to an orderly transition from residential to parking use for such areas.

2. MU, Mixed Use Overlay Zone.

(RESERVED)

Chapter 19.508 Intensity Of Use And Site Requirements

Sections:

19.508.010 Site Dimensions.

19.508.010 Site Dimensions.

The minimum size and dimensions of lots created in the various zones shall be as shown in Table 19.508.010, except that certain specific uses of property require site areas and dimensions greater than the minimum site requirements for the zone. See Chapter 19.552, Special Requirements for Certain Uses.

TABLE 19.508.010

MINIMUM SITE DIMENSIONS				
Zone	Minimum Lot Area (square feet)	Minimum Street Frontage (feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
CO	10,000 (1)	50 (1)	70 (1)	100 (1)
CS	20,000 (1)	150 (1)	150 (1)	100 (1)
CG	5,000 (1)	50 (1)	50 (1)	100 (1)
CM	10,000 (1)	50 (1)	70 (1)	100 (1)
MR	43,560	150	150	150
ML	20,000 (1)	100 (1)	100 (1)	100 (1)
MH	43,560	150	150	150

(1) No minimum requirements apply for individual lots within an integrated development in the commercial zones.

Division 5
Commercial / Industrial Zones
 - Buena Park Zoning Ordinance -

Table 15.03.01B

ZONING LAWS AND REGULATIONS - COMMERCIAL AND INDUSTRIAL ZONES									
Section	Chapter	Section	Section	Section	Section	Section	Section	Section	Section
Residential Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
General Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Public Services Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Industrial Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Office Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Warehouse Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Manufacturing Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Automotive Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Food Processing Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Chemical Processing Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Power Generation Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Water Treatment Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Waste Management Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Research and Development Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Healthcare Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Education Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Government Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Religious Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Recreation Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Transportation Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Utilities Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Telecommunications Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Other Commercial Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08
Other Industrial Use	Chapter 15.03	15.03.01	15.03.02	15.03.03	15.03.04	15.03.05	15.03.06	15.03.07	15.03.08

Chapter 19.512 Uses

Sections:

19.512.010	Uses Permitted.
19.512.020	Parking Overlay Classification.
19.512.040	Mixed Use Overlay Classification.
19.512.050	Interpretation of Uses Permitted.

19.512.010 Uses Permitted.

A. Land, buildings, and other facilities shall be designed, developed, and used only for those activities indicated for the various zones by Table 19.512.010, entitled Uses Permitted. The symbols shown in this table have the following meanings:

Symbol	Meaning
P	Automatically permitted use.
I	Incidental use—use permitted only if incidental to another primary use on the same site. If incidental to a use authorized by conditional use permit, such incidental use is permitted only if included within the terms of the conditional use permit.
C	Conditional use—use eligible for consideration under the conditional use procedure (Section 19.128.020) and permitted only if a conditional use permit is approved, subject to the specific conditions of such permit.
Ci	Incidental conditional use—use eligible for consideration under the conditional use procedure only if incidental to another primary use of the site, whether such primary use is automatically permitted or permitted by conditional use permit.
Pc	Automatically permitted use, except such use is subject to a conditional use permit when located within three hundred thirty feet of a residential zone.
Pc*	Automatically permitted use, except such use is subject to a conditional use permit when located within six hundred feet of a residential zone.
IC	Incidental or conditional use — automatically permitted as an incidental use, when the primary use is automatically permitted, or eligible for consideration as a primary use under the conditional use procedure.
T	Temporary use—permitted if approved in accordance with Title 19, Division 10.

Division 5
Commercial / Industrial Zones
 - Buena Park Zoning Ordinance -

Table 19.512.010

USES PERMITTED - COMMERCIAL AND INDUSTRIAL ZONES							
Uses	Commercial Zones			Industrial Zones			
	CO	CS	CG	CM	MR	ML	MH
Residential Uses							
<u>Group Quarters:</u> • Convent, rectory, dormitory, fraternity or sorority house, etc.	CI	CI	CI				
<u>Transient Quarters:</u> (See Commercial Uses - Tourist Services)							
Public Service Uses							
<u>Community Day Care:</u> • Child day care center. • Adult day care center.	C P	P P	P P	I I	I I	I I	I I
<u>Health Facilities:</u> • Long-term care (intermediate care or skilled nursing). • Hospital, alcoholic institution. • Medical or dental laboratory. • Medical or dental clinic. • Industrial clinic. • Pharmacy. • Optician.	C I P P P	C P P P P	C P P P P	 P P P I	 P I	 P P P I	 P I
<u>Public Assembly:</u> (See also Recreation) • Church. (1) • Club, lodge, meeting hall, community center (largest meeting room limited to 150 seats or 1000 sq. ft. (1) • Exhibit hall (no swap meets). • Auditorium. (1) • Theater, indoor. • Theater, open air. • Theater, drive-in.	C C C	 P P C	C P P C	C C			
		C C	C C C				

Division 5
Commercial / Industrial Zones
- Buena Park Zoning Ordinance -

Table 19.512.010 - cont'd.

USES PERMITTED - COMMERCIAL AND INDUSTRIAL ZONES							
Uses, cont'd.	Commercial Zones			Industrial Zones			
	CO	CS	CG	CM	MR	ML	MH
Public Service Uses, cont'd.							
<u>Utilities and Communications:</u>							
• Telephone central office relay station.	C	C	C	C	C	C	C
• Flood control channel and facilities, utility corridor.	P	P	P	P	P	P	P
• Other public utility facilities or structures, including electrical substations, and cellular telephone facilities.	C	C	C	C	C	C	C
• Radio, television, microwave transmitters.	C	C	C	C	C	C	C
• Aviation navigational aids.	C	C	C	C	C	C	C
<u>Transportation:</u>							
• Parking lot.	P	P	P	P	P	P	P
• Parking structure.	P	P	P	P	P	P	P
• Passenger station.	C	C	C			C	
<u>Other Public Services and Facilities:</u>							
• Non-City-owned public facilities.	C	C	C	C	C	C	C
Commercial Uses							
• Any permitted commercial use with drive-in, drive-through, or walkup window service. (Special requirements apply - See Section 19.552.070.)	C	C	C	C	C	C	C
• Any commercial use with adult entertainment. (Special requirements apply - See Section 19.552.090.)							
<u>Offices: (2)</u>							
• Bank, financial institution.	P	P	P	P	P	P	P
• Business, administrative, professional.	P	P	P	P	P	I	I

Division 5
Commercial / Industrial Zones
 - Buena Park Zoning Ordinance -

Table 19.512.010 - cont'd.

USES PERMITTED - COMMERCIAL AND INDUSTRIAL ZONES							
Uses, cont'd.	Commercial Zones			Industrial Zones			
	CO	CS	CG	CM	MR	ML	MH
Commercial Uses, cont'd.							
<u>Studios, etc.:</u>							
• Martial Arts, dance or drama studio, art or music conservatory.	P	P	P				
• Music studio, recording studio.	C	C	C	C		C	C
• Radio, television studio.		P	P	C		C	C
• Art studio, art gallery, interior decorating, costume design, arts and crafts, photography studio.	P	P	P				
• Sale of art or publications related to permitted use.	I	I	I				
<u>Schools:</u> (See Public Service Uses - Education)							
<u>Personal Services:</u>							
• Barber shop, beauty salon.	P	P	P				
• Shoe repair, tailor, dressmaker, laundromat (single batch machines only), dry cleaning (coin-operated only).		P	P				
• Shoe shine kiosk.		P					
• Automated banking service kiosk.		P					
• Retail dry cleaning. (3)		P	P				
• Health spa or salon.		P	P				
• Massage therapy.	I	I	I				
• Tanning salon	IC	IC	IC				
• Fortunetelling (see Chapter 5,32 for definition).	C						
<u>Tourist Services:</u> (See also Public Service Uses - Public Assembly, and also the Entertainment Corridor Specific Plan document.)							
• Travel and ticket agency.	P	P	P				
• Hotel, motel, motor hotel.			C				

Division 5
Commercial / Industrial Zones
- Buena Park Zoning Ordinance -

Table 19.512.010 - cont'd.

USES PERMITTED - COMMERCIAL AND INDUSTRIAL ZONES							
Uses, cont'd.	Commercial Zones			Industrial Zones			
	CO	CS	CG	CM	MR	ML	MH
Commercial Uses, cont'd.							
<u>Commercial Recreation :</u> (See also Public Service Use - Recreation, and also the Entertainment Corridor Specific Plan document.) • Entertainment (see Chapter 5.24 for definition). • Skating rink. • Skateboard park. • Dancehall or other establishment with public dancing. • Game machine arcade. (4) • Batting cages. • Billard parlor, poolroom. • Bowling alley.		C	C				
<u>Retail Sales:</u> (See also Food Sales and Service, Vehicle Sales and Rentals, Vehicle-related Sales with Related Service and Repair, and Other Sales and Service.) (All sales to be indoor only, unless indicated otherwise.) • Furniture, carpets. • Household appliances, electrical appliances, radios, television sets, computer equipment. • Department store, variety store, dry goods and notions. • Apparel - clothing, millinery, shoes, etc. • Jewelry, cameras and supplies, luggage, sporting goods, toys. • Hobby shop. • Drugstore. • Tobacco shop. • Pet shop and supplies. • Key shop kiosk. • Gifts, souvenirs.	I	P	P	P			

Division 5
Commercial / Industrial Zones
 - Buena Park Zoning Ordinance -

Table 19.512.010 - cont'd.

USES PERMITTED - COMMERCIAL AND INDUSTRIAL ZONES							
Uses, cont'd.	Commercial Zones			Industrial Zones			
	CO	CS	CG	CM	MR	ML	MH
Commercial Uses, cont'd.							
<u>Retail Sales, cont'd.:</u>							
• Flower shop. • Flower kiosk. • Stationary and office supply • Books, newsstand. • Video sales, rental. • Video kiosk.	P I	P P P P P C	P P P P	 P			
• Antiques. • Thrift shop, secondhand goods, pawnshop. • Auction house.		P	P C C	P			
• Volume discount/warehouse store. • Hardware, paint. • Building materials, plumbing supplies. • With outdoor display area. • Garden and patio furniture and equipment. • With outdoor display area. • Plant nursery, with outdoor display. • Pottery, ceramics. • With outdoor display area.		C P Pc C P C Pc P C	C P Pc C P C Pc P C	C P Pc C		C Pc	C
<u>Food Sales and Service:</u>							
• Restaurant, with no entertainment, no liquor, no drive-in, no drive-through, no walk-up service window. • With entertainment (See Chapter 5.24 for definition). • With on-sale liquor. (5) • With drive-in, drive-through, or walk-up service window. (See also Section 19.552.070)	P C C	P C C	P C C	P C C	P C C	P C C	P C C
• Cocktail lounge, bar. • Liquor, off-sale.		CI C	CI C				

Division 5
Commercial / Industrial Zones
- Buena Park Zoning Ordinance -

Table 19.512.010 - cont'd.

USES PERMITTED - COMMERCIAL AND INDUSTRIAL ZONES							
Uses, cont'd.	Commercial Zones			Industrial Zones			
	CO	CS	CG	CM	MR	ML	MH
Commercial Uses, cont'd.							
<u>Food Sales and Service, cont'd.:</u> • Supermarket, grocery, fruits and vegetables, dairy products, meat. • Deli. • Confectionery, ice cream, bakery (baking for on-premises sales only). • Banquet caterer. • Catering truck terminal (including commissary and kitchens).	CI	C P P C	C P P C	P C		C	C
<u>Vehicle Sales and Rentals:</u> (See also Other Services - Equipment Rental) • Automobile rental agency. • New and used sales / lease of autos, motorcycles, or trucks not exceeding 3 tons gross vehicle weight unladen, and trailers up to 2 ton carrying capacity. • New and used sales / lease of trucks exceeding 3 tons gross vehicle weight unladen, and trailers over 2 ton carrying capacity.		C	P Pc	P Pc C		Pc	Pc
<u>Vehicle-related Sales with Related Service and Repair:</u> (Any installation shall be conducted within a building) • Retail sales of auto parts or accessories, not including tires. • Wholesale of auto parts or accessories, not including tires. • Auto window tinting. • Machining or repair of auto parts or accessories, not including tires.		Pc	Pc	Pc Pc C		Pc Pc C	Pc C
• Tires, retail sales and/or installation for vehicles not exceeding 3 tons gross vehicle weight unladen. • Tires, retail sales and/or installation for vehicles exceeding 3 tons gross vehicle weight unladen. • Tires, wholesale and/or installation.		C	C C	C C		C Pc	Pc

Table 19.5/2.010 - cont'd.

USES PERMITTED - COMMERCIAL AND INDUSTRIAL ZONES							
Uses, cont'd.	Commercial Zones			Industrial Zones			
	CO	CS	CG	CM	MR	ML	MH
Commercial Uses, cont'd.							
<u>Other Sales and Service:</u> • Bicycle sales, rental, or repair. • Boat accessories, sales with no installation. • Boat sales, up to 28 ft. hull length. • Boat repair and/or service, up to 28 ft. hull length. (All work shall be conducted within a building)		P P	P P Pc C	P P Pc C		Pc C	C
<u>Vehicle Repair, Service:</u> (All work shall be conducted within a building) : • Light repair and/or service of vehicles not exceeding 3 tons gross vehicle weight unladen. (Work shall not include engine valves repair or replacement, engine overhaul or replacement, transmission repair or replacement, radiator repair or replacement, muffler repair or replacement, body and fender work, detailing, painting or upholstery) • Heavy repair and/or service of vehicles not exceeding 3 tons gross vehicle weight unladen. • Repair and/or service of vehicles exceeding 3 tons gross vehicle weight unladen or trailers over 2 ton capacity. • Repair and/or service of motorcycles only in conjunction with sales of new and used motorcycles.		C	C C C	C C C		Pc Pc C	
<u>Vehicle Service:</u> • Mechanical carwash. (6) • Automobile service station (7), tuneup shop, quick lube shop.		C C	C C	C C		C	C

Table 19.512.010 - cont'd.

USES PERMITTED - COMMERCIAL AND INDUSTRIAL ZONES							
Uses, cont'd.	Commercial Zones			Industrial Zones			
	CO	CS	CG	CM	MR	ML	MH
Commercial Uses, cont'd.							
<u>Printing Services:</u>							
• Instant printing, copying, addressographing, mimeographing, photostating, blueprinting.	P	P	P	P	P	P	
• Photoengraving, offset printing.				Pc	Pc	Pc	
• Printing.				Pc		Pc	Pc
• Photo film drop-off / Pick-up kiosk.		P					
• Retail photo film and print processing.		P	P				
• Photo film and print processing plant.				Pc		Pc	Pc
<u>Other Services.:</u>							
• Custom furniture upholstery and reupholstery.		P	P	P			
• Picture framing and glazing.		P	P	P			
• Watch repair, camera repair, radio, stereo, television, personal computers, other small appliance repair.		P	P	P			
• Locksmith.		P	P	P			
• Repair of lawnmowers, larger electrical appliances, precision instruments, nonpneumatic tools, (all work to be indoors).				Pc		Pc	
• Repair of pneumatic tools.				C		C	
• Rental of light equipment (up to single unit trucks).				C		Pc	
• Rental of heavy equipment (semi-tractors, cranes, etc.).				C		C	C
• Small animal grooming (no boarding).		P	P	P			
• Small animal hospital, veterinary clinic.			C	Pc		Pc	
• Kennel.						C	
• Taxidermy.				P		P	
• Mortuary.			C				

Table 19.512.010 - cont'd.

USES PERMITTED - COMMERCIAL AND INDUSTRIAL ZONES							
Uses, cont'd.	Commercial Zones			Industrial Zones			
	CO	CS	CG	CM	MR	ML	MH
Industrial Uses:							
<u>Research, Development and Testing:</u> • Research and development institution or laboratory (no manufacturing), testing laboratory.	C		C	C	C	Pc	Pc
<u>Storage:</u> • Mini-storage space rental for public self-storage. • Outdoor storage space rental for boats and vehicles. • Off-site inventory storage for auto dealerships. • Above-grade fuel tank storage with 500 gallon and greater capacity. (8) • Below-grade fuel tanks and above-grade fuel tanks with less than 500 gallon capacity. (8) • Transit or transportation equipment storage (no truck or railroad freight yard). • Freight yard, or terminal - truck, railroad. • Warehouse, distribution center, storage building. • Outdoor storage, other than a contractor's storage facility. (9) • Cold storage. • Frozen food locker. • Ice plant. • Lumberyard. • Contractor's storage facility, with main building.				Pc C C CI P Pc I Pc Pc C Pc		C C C CI P Pc Pc I Pc Pc C Pc C	C C C CI P Pc C I Pc Pc Pc C
<u>Wholesale:</u> • Wholesale business. • Wholesale with retail outlet.				Pc Pc		Pc C	Pc C

Table 19.512.010 - cont'd.

USES PERMITTED - COMMERCIAL AND INDUSTRIAL ZONES							
Uses, cont'd.	Commercial Zones			Industrial Zones			
	CO	CS	CG	CM	MR	ML	MH
Industrial Uses, cont'd.:							
<u>Industrial Processes.:</u> • Cabinet shop, machine shop (no punch presses over 20-ton), sheet metal shop, tinsmith, welding shop. • Laundry, cleaning and dyeing plant, carpet cleaning and dyeing, textile dyeing. • Fabrication from finished rubber, plastics. • Fabrication from shell, cellophane, cork, fiber, fur, glass, finished leather, gems, textiles, tobacco, wood. • Packaging or assembly of products from previously manufactured components (no outdoor storage of bulk materials, final product not over 50 pounds).				Pc		Pc	Pc
						C	C
						C	Pc
					Pc	Pc	Pc
				Pc		Pc	Pc
• Manufacturing, compounding, assembly, packaging, or treatment of merchandise made from the following previously prepared materials: - canvas, cloth, textiles, yarn, - cork, leather, - plastics, cellophane, synthetics, - precious or semi-precious metal (excluding metal stamping), - stone (excluding grinding, cutting or dressing, granite, etc), - wood (excluding prefabrication of building components, cabinet shops, furniture manufacturing, lumberyard, planing mill).				P		P	P
• Assembly of electrical appliances, electronic instruments or devices, precision instruments, radios, computer components, phonographs, television sets (may include manufacturing of small parts only).					P	P	P

Table 19.512.010 - cont'd.

USES PERMITTED - COMMERCIAL AND INDUSTRIAL ZONES							
Uses, cont'd.	Commercial Zones			Industrial Zones			
	CO	CS	CG	CM	MR	ML	MH
Industrial Uses, cont'd.:							
<u>Industrial Processes:, cont'd.:</u> • Smelting of precious or semi-precious metal. • Drop forge, foundry. • Paint mixing. • Grinding, cutting or dressing of stone, marble or granite, etc. • Metal fabricating (no foundry), metal plating, metal finishing. • Metal engraving.						C C C C Pc Pc	C C C C Pc Pc
<u>Manufacturing of:</u> • Acid. • Soap (cold mix only). • Cosmetic goods, toiletries, or drugs. • Ceramics. • Ceramic products using only previously pulverized clay and fired in kilns using only electricity or gas. • Aircraft (no foundry). • Boats, less than 28 ft. hull length. • Hull length greater than 28 ft. • Furniture, garden patio furniture and equipment. • Garments, gloves, shoes. • Signs. • Electrical appliances, instrumental or equipment. • Jewelry, watches.				Pc C C C P		C C Pc C C C C Pc Pc Pc P	C Pc Pc C Pc Pc C C Pc Pc Pc P
<u>Food Manufacturing or Processing:</u> • Manufacturing, processing, canning or packing of meat, fish, dog or cat food, lard, pickles, sauerkraut, vinegar, coffee, dressing, or poultry.							C

Division 5
Commercial / Industrial Zones
 - Buena Park Zoning Ordinance -

Table 19.512.010 - cont'd.

USES PERMITTED - COMMERCIAL AND INDUSTRIAL ZONES							
Uses, cont'd.	Commercial Zones			Industrial Zones			
	CO	CS	CG	CM	MR	ML	MH
Industrial Uses, cont'd.:							
<u>Food Manufacturing or Processing, cont'd.:</u> • Winery. • Brewery. • Processing, canning or packing fruits or vegetables. • Bakery. • Candy or nut packing, (no roasting). • Candy manufacturing, nut processing. • Dairy products manufacturing. • Bottling.						C C Pc Pc C C Pc Pc	C Pc Pc Pc Pc C Pc Pc
Temporary Uses							
• Temporary uses, as provided in Title 19, Division 10. • On-site construction facilities. (10) • On-site real estate sales office. (11)	T P P	T P P	T P P	T P P	T P P	T P P	T P P
Notes: 1 Bingo games shall be permitted as an accessory use only when authorized under Chapter 5.16 et. seq. and only when fire and safety regulations are met and parking facilities are fully conforming to the requirements for public assembly use. 2 In an integrated center within the CS zone, a conditional use permit is required to establish an administrative or professional business office use in excess of 5,000 square feet gross floor area or to establish any office use which will cause the center's gross floor area devoted to offices to exceed 20%. 3 Special limitations apply for retail dry cleaning. See Section 19.552.020. 4 Special requirements apply for game machine arcades. See Section 19.552.040. 5 Special requirements apply for restaurants with on-sale liquor. See Section 19.552.030. 6 Special requirements apply for carwashes. See Section 19.552.060. 7 Special requirements apply for automobile service stations. See Section 19.552.050.							

Table 19.512.010 - cont'd.

Notes, cont'd.:

- 8 Above-grade fuel tanks subject to applicable setbacks and screening from public view.
- 9 Special requirements apply for outdoor storage. See Section 19.524.020.
- 10 Offices, storage, activities, and facilities directly pertaining to construction on the same site provided construction is not suspended for a permitted use for more than 30 consecutive days.
- 11 Temporary real estate sales office, only for sales or leasing of new subdivision and for not more than one year.

B. Those uses listed as accessory uses in the uses permitted table are subject to the definition of accessory use in Section 19.104.080 as well as the meanings of the indicated symbols in the table.

19.512.020 Parking Overlay Classification.

Property located in an area shown on the Zoning Map with the symbol "P" may be used for a parking lot or parking structure as a primary use in lieu of, but not in combination with, other uses authorized for the underlying zone. Such parking use shall serve activities located in the same or adjacent zones. Yard, setback, and landscape requirements of the underlying zone shall apply.

19.512.040 Mixed Use Overlay Classification.

(RESERVED)

19.512.050 Interpretation of Uses Permitted.

Further definition and enumeration of uses permitted in the various zones may be determined by interpretation in accordance with Section 19.128.010.

Chapter 19.515 Development Standards - Buildings

Section	Section
19.515.010 Building Height	19.515.010 Building Height
19.515.020 Building Footprint	19.515.020 Building Footprint
19.515.030 Building Materials	19.515.030 Building Materials
19.515.040 Building Type	19.515.040 Building Type
19.515.050 Building Materials	19.515.050 Building Materials

19.515.040 Height of Structures.

- A. The maximum height of any building or structure shall be as shown in Table 19.515.040.
- B. Notwithstanding the provisions of subsection A of this section, the following maximum heights and similar requirements shall be subject to the following exceptions:
1. Ground-mounted antennas which are located on accessory lots are permitted to a height of sixty feet unless otherwise limited by a conditional use permit.
 2. Small antenna structures, which shall include those to a maximum of twenty-five feet in height, may be used on any lot not less than twenty-five feet higher than the surrounding area.

Chapter 19.516 Development Standards - Buildings

Sections:

19.516.010	Buildings Required.
19.516.020	Building Type.
19.516.030	Building Materials.
19.516.040	Height of Structures.

19.516.010 Buildings Required.

- A. All activities and facilities, where permitted by other provisions of this Division, shall be enclosed within permanently constructed buildings.
- B. Outdoor activities, storage, and display may be permitted in accordance with Sections 19.512.010, 19.524.020 and 19.524.030, and the regulations and limitations of Division 10, Title 19.
- C. Where a use is permitted by conditional use permit, temporary use permit, or special permit (see Division 10, Title 19), outdoor activities and temporary facilities may be authorized by the terms of such permit notwithstanding the provisions of this section.

19.516.020 Building Type.

Every building shall be designed or remodeled to accommodate its use in accordance with applicable building codes and other laws. A residential building shall not be occupied by a nonresidential primary use.

19.516.030 Building Materials.

No building shall have a metallic exterior surface such as, but not limited to, galvanized, corrugated or interlocking metal sheets, unless the use of such metallic surface material is approved under the site plan review procedure (Section 19.128.040) for the purpose of enhancing the architectural quality of the building while preserving architectural harmony and compatibility with the surrounding area.

19.516.040 Height of Structures.

- A. The maximum height of any building or structure shall be as shown in Table 19.516.040.
- B. **Antennae.** Notwithstanding the restrictions of subsection A of this section, radio, television, microwave antennae, and similar equipment shall be subject to the following regulations:
 - 1. Ground-mounted antennae which are incidental or accessory uses are permitted to a height of sixty feet, unless permitted higher by a conditional use permit.
 - 2. Roof-mounted antennae, which shall include dishes to a maximum of twenty-four inches in diameter, may be used but may not be more than twenty-five feet higher than

Division 5
Commercial / Industrial Zones
 - Buena Park Zoning Ordinance -

the highest point of the building to which they are attached, unless permitted higher by the issuance of a conditional use permit.

3. Dish antennae exceeding twenty-four inches in diameter may be roof-mounted, provided that they are screened from public view or approved by a conditional use permit.

4. Any antenna that is primary to the use shall be subject to the height limit established under a conditional use permit.

Table 19.516.040

HEIGHT LIMITS—COMMERCIAL / INDUSTRIAL ZONES		
Zones	Maximum Height	
	Within Fifty Feet of Any Residential Zone	More than Fifty Feet from any Residential Zone
CO, CS, CG	1 story or 15 feet, which ever is less	4 stories or 45 feet, except that a greater height may be authorized by a conditional use permit. In addition, at any point the height shall not be more than the horizontal distance from the nearest residential zone and not more than 2 times the horizontal distance from the nearest street property line.
CM, MR, ML MH	20 feet	At any point, the height shall not be more than 35 feet plus 1 foot for each foot of horizontal distance in excess of 50 feet from the nearest residential zone or street property line, except that a greater height may be authorized under a conditional use permit.

Chapter 19.520 Development Standards - Yards And Open Space

Sections:

19.520.010	Future Rights-of-Way.
19.520.020	Front, Side, and Rear Yards.
19.520.030	Zero Side or Rear Yard.

19.520.010 Future Rights-of-Way.

A. This section is applicable only where a portion of a lot is within an area planned to be part of a future street, alley, or other public right-of-way as determined from an officially adopted plan, and the acquisition of such portion would not reduce the buildable lot width to less than forty feet.

B. In cases to which this section applies, the portions of any lot within any such future right-of-way area shall not be occupied by structures other than those encroachments allowed in future rights-of-way as provided in subsection C of this section. All other required setbacks, yards, and open areas shall be provided in addition to the future right-of-way areas, and the future right-of-way lines shall be considered to be lot lines for purposes of measuring such other setbacks, yards, and open areas.

C. Permitted Encroachments. The following encroachments are permitted within the future rights-of-way area:

1. Fences, walls, or hedges, not over 2' high.
2. Landscaping.
3. Access walkways and driveways.

19.520.020 Front, Side, and Rear Yards.

A. Each lot shall have front, side, and rear yard setbacks not less than the amounts shown in Table 19.520.020.

B. Permitted Encroachments. The following encroachments are permitted within the required yards:

1. **Front Yard, and Side / Rear Yards abutting a street.**
 - a. Building features, such as:
 - i. Cantilevered eaves, awnings, and shading devices, not more than a 33% projection into required yard.
 - ii. Architectural features, such as sills, columns, cornices, and buttresses, not more than 2.5' projection into required yard. These features may also provide structural support for permitted cantilevered features within required yard.
 - iii. Decorative, open-sided canopies with supports over walkways and pedestrian areas, not more than a 33% projection into required yard.

Division 5
Commercial / Industrial Zones
- Buena Park Zoning Ordinance -

- b. Parking, subject to the following minimum setbacks from the street property line and with no vehicular overhang:

Zones	Minimum setback for parking
CO, CS, CG, CM	10 feet
ML	15 feet
MH	20 feet
MR	25 feet

- c. Signs, subject to sign regulations of Division 9.
- d. Fences, walls, and hedges, not over 3.5' high with solid part not over 2' high.
- e. Decorative pools and fountains, not over 18" deep.
- f. Landscaping.
- g. Access walkways and driveways.
- h. Passive seating and bus shelter area.
2. **Side and Rear Yard, abutting a residential zone.**
- a. Projections from buildings, such as eaves, awnings, shading devices, and other architectural features, with no ground support and projecting not more than 2.5' into required yard.
- b. Free-standing mechanical equipment, subject to sight-screening and noise control provisions of Code.
- c. Above-ground utility-owned facilities, when otherwise permitted within utility easement.
- d. Signs, subject to sign regulations of Division 9.
- e. Decorative pools, not over 18" deep.
- f. Access walkways.
- g. Parking and driveways, subject to the minimum landscape buffer requirements of Section 19.532.010.
- h. Trash enclosure, with solid roof and location subject to Director approval.

19.520.030 Zero Side or Rear Yard.

Where no side or rear yard is required or where a zero side yard is permitted, any building or structure shall be located either at the property line or at least three feet from the property line.

Division 5
Commercial / Industrial Zones
- Buena Park Zoning Ordinance -

Table 19.520.020

YARDS REQUIRED—COMMERCIAL / INDUSTRIAL ZONES

Zone:	Front Yard (in feet)	Side or Rear Yard		
		Abutting a Street (in feet)	Abutting Property in Residential Zone (in feet)	Abutting Property in Nonresidential Zone (in feet)
CO	20	20	10	0 (1)
CS	20	20	10	0 (1)
OG	20	20	10	0 (1)
CM	20	20	25	0 (1)
MR	50	50	50	0 (1)
ML	25	15	25	0 (1)
MH	50	20	25	0 (1)

- (1) Building or structure shall be located either at the property line or at least four feet from the property line.

Chapter 19.524 Development Standards - Outdoor Improvements

Sections:

19.524.010	Trash Storage Facilities.
19.524.020	Outdoor Storage.
19.524.030	Outdoor Display.

19.524.010 Trash Storage Facilities.

A. All refuse shall be stored within trash containers which meet City standards. Except when temporarily placed for pickup, all such containers shall be located or screened so as not to be in public view.

B. Except for a temporary use, all non-residential uses, as well as mobilehome parks and group quarters in the commercial and industrial zones shall provide a trash enclosure for the purpose of: screening the trash container(s) from public view, maintaining any loose debris within the enclosure, providing a permanent location for the container(s) that will not encroach upon driveways, parking, pedestrian, and emergency access areas, and eliminating the accessibility of trash to the elements and animals. The trash enclosure shall conform to the following standards:

1. All required trash enclosures receiving the 3 cubic yard commercial bin(s) shall meet the requirements as shown in Illustrations 19.524.010 (A) or (B).

2. Enclosures for larger than 3 cubic yard commercial bins shall be constructed of masonry block or concrete tilt-ups, designed to sight screen the bins, and to be architecturally compatible with other buildings on the site. Structural and architectural features shall be subject to approval of the Planning and Building Divisions. Maneuvering areas shall meet the minimum requirements of equivalent size loading area.

3. Enclosures for compactors located outside the building shall be constructed of masonry block, designed to sight screen the bins, and to be architecturally compatible with other buildings on the site. Structural and architectural features shall be subject to approval of the Planning and Building Divisions.

4 Location. Enclosures shall be located and arranged for ease of pick-up and shall not interfere with other activities on the site. Such location shall be subject to the approval of the Planning Division.

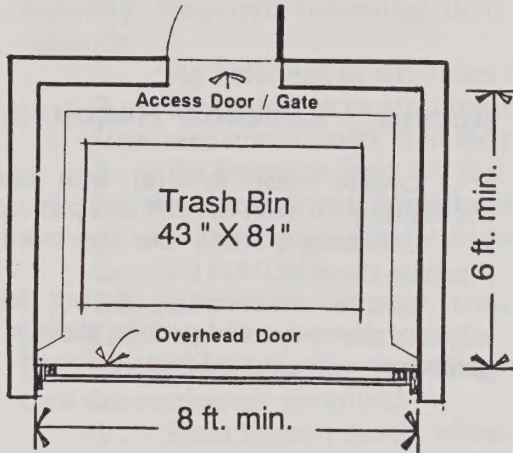
5. Maintenance. All trash enclosures and adjacent paving shall be maintained as a condition of the use.

C. Upon written acceptance from the franchised agent for trash disposal, the requirement for a trash enclosure may be waived by the Director for a trash compactor, provided that the the storage of the compactor and all trash shall be kept within the building and that the type and amount of trash will not create a public nuisance.

Illustration 19.524.010 (A)

Trash Enclosure Requirements for 3 cubic yard bin

Alternate A



Access / Location Requirements:

- Locate trash area(s) with convenient accessibility for both deposit and pick-up.
- Location(s) shall be approved by the Planning Division.
- Provide a side or rear access door/gate for multi-tenant uses.
- Provide a 7 foot high overhead door for trash pick-up service, with standard garage door hardware and construction.

Construction Requirements:

- Provide 6 inch reinforced block wall construction.
- Provide a 4 inch P.C.C. pad, flush with adjacent driveway.
- Structural details shall be approved by the Building Division.
- Provide a 6 inch wide, 8 inch high concrete curb at base of interior walls for protection of walls from trash bin.

Design / Finish:

- Block walls shall be of decorative finish compatible with adjacent structures or walls.
- Decorative beams or other appropriate screening material shall be provided across the open top to screen trash area from view from 2nd and 3rd stories.

Note:

- Deviations from these standards may be considered at the discretion of the Director.

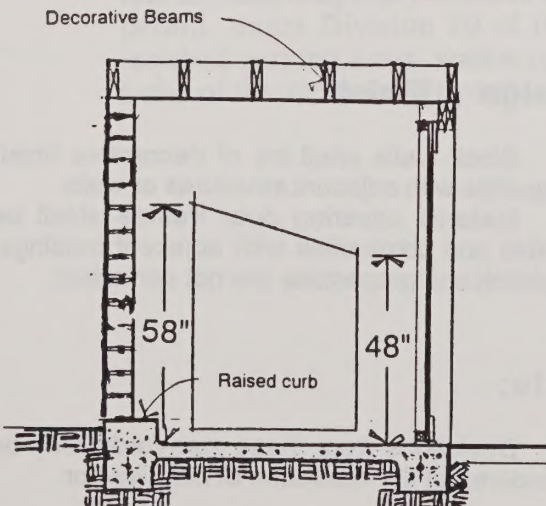
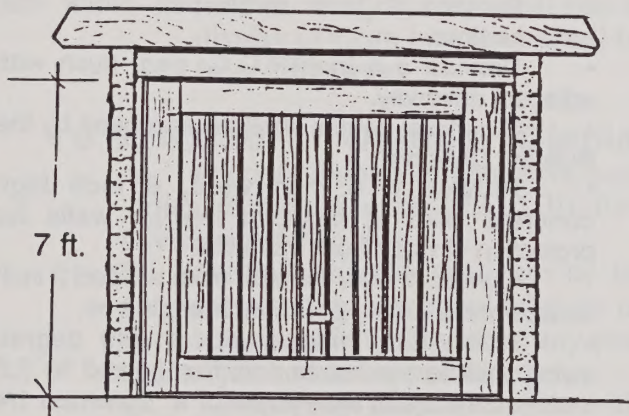
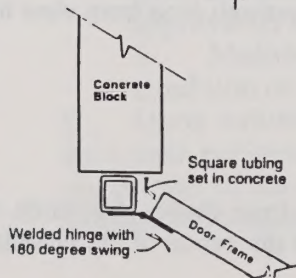
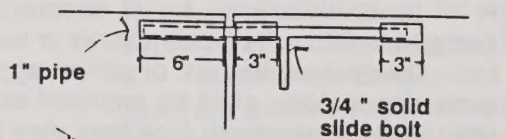
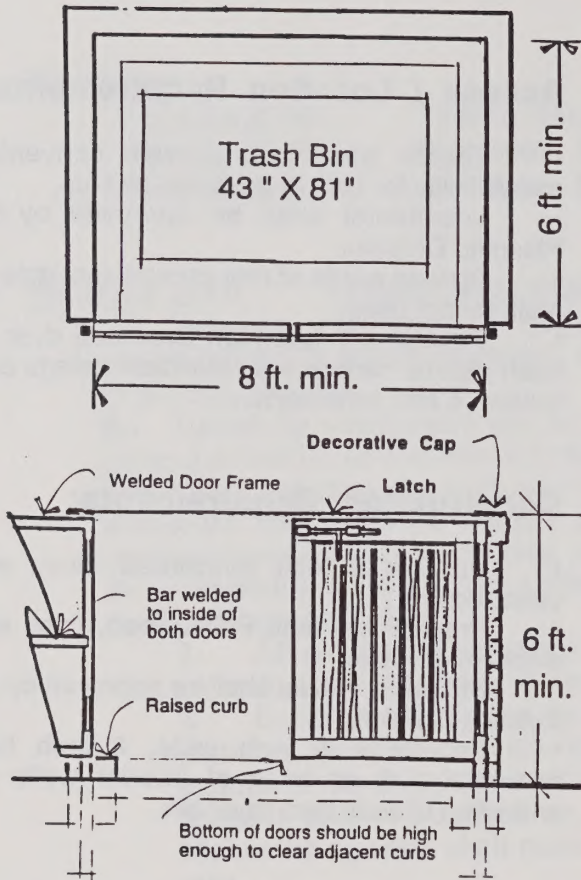


Illustration 19.524.010 (B)

Trash Enclosure Requirements for 3 cubic yard bin

Alternate B



Access / Location Requirements:

- Locate trash area(s) with convenient accessibility for both deposit and pick-up.
- Location(s) shall be approved by the Planning Division.
- Locate enclosure(s) 4 foot back from adjacent driveways and parking stalls to preclude gates from swinging out into vehicles.

Construction Requirements:

- Provide 6 inch reinforced block wall construction.
- Provide a 4 inch P.C.C. pad, flush with adjacent driveway.
- Structural details shall be approved by the Building Division.
- Provide a 6 inch wide, 8 inch high concrete curb at base of interior walls for protection of walls from trash bin.
- Construct door frames from welded 2 inch square metal tubing or 2.5 inch angle iron.
- Heavy-duty hinges with a 180 degree swing shall be welded to door frames and to 2.5 inch square metal tube posts of a minimum 1/4 inch thickness set in concrete footings.

Design / Finish:

- Block walls shall be of decorative finish compatible with adjacent structures or walls.
- Material covering door frames shall be durable and compatible with adjacent buildings. (chainlink and grapestake are not permitted)

Note:

- Deviations from these standards may be considered at the discretion of the Director.

19.524.020 Outdoor Storage.

A. Outdoor storage of materials, equipment, or other items is permitted only where allowed under Section 19.512.010, subject to all other limitations of this Division and other laws. Outdoor storage shall not be located in any required parking area, loading area or accessway, in any front yard, in any area required to be landscaped, or in any area where a six-foot-high fence is not permitted.

B. Except as further provided in this section, all outdoor storage shall be screened from public view (as defined in Section 19.104.080); and, if located within three hundred thirty feet of a freeway or major highway, shall also be screened from view from such freeway or highway. Required screening shall be accomplished by one or more of the following methods:

1. By buildings or structures located on the same lot as the outdoor storage;
2. By buildings or structures located on abutting property where such buildings or structures immediately abut the property line;
3. By fences at least six feet high which meet the requirements of Chapter 19.528. Where access drives or walks enter such fenced outdoor storage areas, they shall have gates with substantially the same height, appearance, and screening effectiveness as the required fencing.

C. Stored materials or other items shall not be stacked higher than the sight-screening provided.

D. The following exceptions from the sight-screening requirements of subsections B and C of this section are permitted:

1. Plant nursery stock, when neatly arranged, need not be screened. All stored items other than living plants shall be screened.
2. New or used vehicles (not in a damaged condition and not scrap or junk) being held in storage for eventual sale by a vehicle sales agency and not part of a dealership display of clean inventory, shall be screened from public view but need not be screened from a freeway.

19.524.030 Outdoor Display.

A. Outdoor display of materials, equipment, or other items shall be permitted only where indicated under Section 19.512.010 for permitted uses, subject to all other limitations of this Division or other law.

B. Outdoor display shall not be located in any required parking area, loading area, accessway, or any area required to be landscaped. Where site plans are approved pursuant to any provision of this Division, any permanent outdoor display area shall be shown thereon and subject to such approval.

C. Temporary Displays. Notwithstanding the provisions of subsections A and B of this section, temporary outdoor displays are permitted when authorized for a temporary use permit under Division 10 of this Title. Such temporary displays may be located upon required parking areas, walkways and landscaped areas only to the extent permitted by the terms of the authorizing permit.

Chapter 19.528

Development Standards - Fences, Walls, Hedges, and Berms

Sections:

19.528.010	General Requirements.
19.528.020	Fence Height.
19.528.030	Fence Materials and Design.
19.528.040	Required Fences in Commercial and Industrial Zones.
19.528.050	Double Fences.

19.528.010 General Requirements.*

A. No fence shall be constructed within the commercial and industrial zones until the plans and design for such fence shall have been approved pursuant to the zoning compliance review procedure (Section 19.128.090). In addition, a fence may require a building permit from the Building Division.

B. All fences, whether required or not, shall be located and limited in accordance with provisions of this Division.

C. Fences are required under various provisions of this Division and other laws, including, but not limited to, the screening and protection of parking areas, storage areas, swimming and therapeutic pools, and utility facilities. Such required fences together with the facilities and activities required to be enclosed shall be located so as not to conflict with open space and yard setback requirements.

D. **Conflict with State Law.** In the case of fencing requirements pursuant to state law which unavoidably conflict with the requirements of this Division, the state requirements shall prevail.

*As defined in Section 19.104.080, the term "fence" as used in this Division means fence, freestanding wall, hedge, or berm unless otherwise specifically stated.

19.528.020 Fence Height.

A. A maximum 2 foot high solid fence may be permitted anywhere on a lot.

B. A maximum 3.5 foot high fence which is not view-obscuring, such as wrought iron, may be permitted anywhere on a lot.

C. Elsewhere, a 15 foot maximum height fence may be permitted with exceptions for the following required yards and areas;

1. For the CO, CS, CG, and CM zones, within the required 20 foot front yard and the required 20 foot side or rear yard, abutting a street, measured from the street property line.

2. For the MR zone, within the required 50 foot front yard and the required 50 foot side or rear yard, abutting a street, measured from the street property line.
3. For the ML zone, within the required 25 foot front yard and the required 15 side or rear yard, abutting a street, measured from the street property line.
4. For the MH zone, within the required 50 foot front yard and the required 20 foot side or rear yard, abutting a street, measured from the street property line.

D. In all commercial and industrial zones, fences more than seven feet in height shall be permitted only when approved under the site plan review procedure (Section 19.128.040) and subject to the terms of such approval as well as the same yard and area restrictions detailed in subsection C above.

E. The maximum height of any fence shall be fifteen feet except where a greater height is required for sight-screening or noise reduction.

19.528.030 Fence Materials and Design.

A. All fences in every zone, whether required or not, shall:

1. Utilize no salvaged materials unless reconditioned or refinished.
2. Be suitably finished on both sides.
3. Utilize colors and materials that are compatible with the property and neighborhood.
4. All fences shall be maintained in good repair and appearance.

B. Except within the MH zone, there shall be no use of chainlink or wire fencing between a street and any buildings on a property, other than for approved temporary uses and for the purpose of temporarily securing vacant or vacated properties and construction sites. For site screening purposes, a chainlink gate with screening slats may be used across driveways within such area.

C. Vision Clearance Area. Any fence within the required vision clearance area adjacent to any driveway or alley where it intersects with a public street, as defined under section 19.536.020, shall not be a view-obscuring fence.

D. Any masonry wall shall be of a minimum 6 inch wide block construction. In addition, the wall shall be of ornamental masonry in earthtone colors compatible with the structures on the property. Standard grey or pink block shall not be considered as ornamental masonry and may not be used except to match existing adjacent walls.

19.528.040 Required Fences in Commercial and Industrial Zones.

A. In any commercial or industrial zone, any open use (a use not including a main building) shall be fenced and landscaped along any street frontage in the same manner as required for parking areas (see subsection E of Section 19.532.010 and subsection E of Section 19.536.080).

B. In a commercial or industrial zone, in connection with any development, an ornamental solid masonry fence shall be provided along any property line of the subject property which abuts any residential zone. Within the front yard, such fence shall have the maximum height allowed for fences in the front yard in the abutting residential zone. Elsewhere, such fence shall be not less than six feet high and not more than seven feet high.

19.528.050 Double Fences.

A. Any parallel fences constructed with less than 3 ft. separation shall be considered double fences. It is the intent of the City to discourage double fences whenever possible in order to avoid areas in which children and animals may become lodged, areas which may encourage rodent infestation, and areas which may accumulate litter and debris.

B. In instances where double fences are unavoidable, the gap between the fences shall be completely sealed with flashing, cement cap, or other material in a manner acceptable to the Planning and Building Divisions.

C. Where a new fence is required along a property line and an existing fence or wall is located on the opposite side of the property line, the Director may suspend the requirement for the new fence provided that the existing fence can substantially satisfy all requirements of this Division and/or any conditions of an approval. Such suspension shall become null and void once the adjacent wall or fence is removed or found unacceptable by the Director and the requirement for the new fence shall be completed at such time.

Division 5
Commercial / Industrial Zones
- Buena Park Zoning Ordinance -

1. The purpose of this chapter is to establish standards for the development and use of land in the Commercial / Industrial Zones of the City of Buena Park, California. The standards are intended to ensure that the development and use of land in these zones is consistent with the City's Comprehensive Zoning Ordinance and the City's General Plan.

Chapter 19.52 Development Standards

1. The purpose of this chapter is to establish standards for the development and use of land in the Commercial / Industrial Zones of the City of Buena Park, California. The standards are intended to ensure that the development and use of land in these zones is consistent with the City's Comprehensive Zoning Ordinance and the City's General Plan.

19.52.010 Where Permitted

A. In all zones, the following uses are permitted: (1) uses listed in the City's Comprehensive Zoning Ordinance; (2) uses listed in the City's General Plan; (3) uses listed in the City's Development Code.

B. The following uses are not permitted in the Commercial / Industrial Zones: (1) uses listed in the City's Comprehensive Zoning Ordinance; (2) uses listed in the City's General Plan; (3) uses listed in the City's Development Code.

C. The following uses are permitted in the Commercial / Industrial Zones: (1) uses listed in the City's Comprehensive Zoning Ordinance; (2) uses listed in the City's General Plan; (3) uses listed in the City's Development Code.

D. The following uses are not permitted in the Commercial / Industrial Zones: (1) uses listed in the City's Comprehensive Zoning Ordinance; (2) uses listed in the City's General Plan; (3) uses listed in the City's Development Code.

E. The following uses are permitted in the Commercial / Industrial Zones: (1) uses listed in the City's Comprehensive Zoning Ordinance; (2) uses listed in the City's General Plan; (3) uses listed in the City's Development Code.

F. The following uses are not permitted in the Commercial / Industrial Zones: (1) uses listed in the City's Comprehensive Zoning Ordinance; (2) uses listed in the City's General Plan; (3) uses listed in the City's Development Code.

G. The following uses are permitted in the Commercial / Industrial Zones: (1) uses listed in the City's Comprehensive Zoning Ordinance; (2) uses listed in the City's General Plan; (3) uses listed in the City's Development Code.

H. The following uses are not permitted in the Commercial / Industrial Zones: (1) uses listed in the City's Comprehensive Zoning Ordinance; (2) uses listed in the City's General Plan; (3) uses listed in the City's Development Code.

I. The following uses are permitted in the Commercial / Industrial Zones: (1) uses listed in the City's Comprehensive Zoning Ordinance; (2) uses listed in the City's General Plan; (3) uses listed in the City's Development Code.

J. The following uses are not permitted in the Commercial / Industrial Zones: (1) uses listed in the City's Comprehensive Zoning Ordinance; (2) uses listed in the City's General Plan; (3) uses listed in the City's Development Code.

K. The following uses are permitted in the Commercial / Industrial Zones: (1) uses listed in the City's Comprehensive Zoning Ordinance; (2) uses listed in the City's General Plan; (3) uses listed in the City's Development Code.

L. The following uses are not permitted in the Commercial / Industrial Zones: (1) uses listed in the City's Comprehensive Zoning Ordinance; (2) uses listed in the City's General Plan; (3) uses listed in the City's Development Code.

Chapter 19.532 Development Standards - Landscaping

Sections:

19.532.010	Where Required.
19.532.020	Plan Approval Required.
19.532.030	Landscape and Maintenance.
19.532.040	Irrigation System and Maintenance.

19.532.010 Where Required.

A. In all zones, all required yards which abut streets shall be permanently landscaped except for any portion of such yards occupied by permitted encroachments or other permitted facilities.

B. Except for property in the MR, ML, and MH Zones, all portions of a developed site not occupied by other permitted facilities shall be permanently landscaped.

C. For non-conforming residential development in the commercial and industrial zones, the landscaping requirements of Division 4 shall apply.

D. Landscaped Buffer—Between Commercial or Industrial Zone and Residential Zone. For any permanent nonresidential use located on a lot in a commercial or industrial zone, and where such lot abuts any residential zone, a row of trees shall be located adjacent to all such abutting residentially zoned property (in addition to the fence required by Section 19.528.040). Such buffer shall provide within a short period after installation a continuous and attractive screen of foliage in accordance with the following requirements.

1. The landscaped buffer shall be at least 10 feet wide. Vehicles may overhang the minimum 10 ft. wide planter provided that they will not interfere with the placement of trees with any existing or proposed footings of adjacent walls.

2. The major component of the buffer area shall be trees of a minimum 15 gallon size. Selection of the species is optional; however, the Director shall have the authority to deny the use of any species which may be known to have a detrimental character, such as shallow root structure, excessive leaf or blossom dropping, or a species which will not provide an effective screen.

a. The spacing shall be no greater than the normal spread of the mature species but in no case greater than 20 feet from center to center.

b. In the event multi-story buildings are involved, a tree species of greater height and size may be required as a condition of approval. If the bottom line of foliage is above the fence line, additional lower growing shrubs or trees shall be interspersed to provide a continuous visual screen. The tree species shall provide such continuous screening within five (5) years.

c. The size, shape, and rate of growth of any species shall be as defined in any landscape reference source acceptable to the Director.

E. Parking Lot Landscaping Improvements.

1. Landscaped Buffers Along Streets. Within the required setback areas for parking (See Section 19.520.020), one of the following, or a combination thereof, shall be provided except at driveway and walkway openings and as required for vision clearance by Section 19.536.020:

a. Ornamental masonry wall or hedge, two feet high, at the perimeter of the parking area facing a street,

b. Landscaped berm, ten feet wide and two feet high.

2. Landscaped Buffers Along Alleys. Except for driveways and walkways, a landscaped planter shall be provided along all parking areas adjacent to an alley pursuant to Section 19.536.070 (E.2).

3. Interior Landscaping. Within the parking area of any parking lot with ten or more parking spaces, landscaping with trees and some combination of shrubs, vines, and ground cover shall be provided pursuant to Section 19.536.070 (E.3). Such landscaping shall be reasonably distributed throughout the area in order to avoid a monotonous appearance and to enhance the visual attractiveness of the area, especially those portions in public view.

F. Special Requirements for Certain Uses. In addition to the general requirements of this chapter, the following uses under Chapter 19.552 have additional special landscape requirements:

1. Automobile Service Stations (See Section 19.552.050),

2. Carwashes (See Section 19.552.060),

3. Commercial Establishments with Drive-in, Drive-through, and Walk-up Window Service (See Section 19.552.070),

4. Recycling Centers (See Section 19.552.080).

19.532.020 Plan Approval Required.

A. Except for a single family dwelling on a separate lot, a landscape and irrigation plan for any newly established landscape area shall be submitted for zoning compliance review and approval.

B. The landscape and irrigation plan shall clearly identify the following criteria:

1. Property lines and property address.

2. Streets, driveways, walkways, recreational areas, and other paved areas.

3. Pools, water features, fences, and retaining walls.

4. Existing and proposed buildings and structures.

5. Landscaping materials, trees, shrubs, vines, ground cover, turf, and other vegetation. Planting symbols shall be clearly drawn and plants labeled by botanical name, common name, container size, spacing, and quantities of each group of plants indicated.

6. An approximate calculation of the total landscape area.

C. Except for a single family dwelling on a separate lot, a landscape and irrigation plan with a total landscape area over 2,500 sq. ft. shall be prepared and/or certified by a licensed landscape architect or contractor, certified irrigation designer, or other licensed or certified professional in a related field.

D. Minimum acceptable plant sizes shall be determined by policy of the Director and/or as conditions of approval for an administrative action pursuant to Division 1.

E. Landscape and irrigation plans shall be approved prior to the issuance of permits for such work or prior to the issuance of any permits (i.e. building permits) for any associated work approved by an action of the Zoning Administrator, Planning Commission, or City Council pursuant to Division 1.

19.532.030 Landscape and Maintenance.

- A. All landscaping shall be maintained in a healthy and attractive condition.
- B. Landscaping for other than a single family dwelling shall consist predominantly of drought-tolerant plants, as widely recognized within the horticultural industry or as recommended by a California-licensed Landscape Architect. In addition, such landscaping shall comply with the following criteria.
1. Water-thirsty plants may be used in limited numbers but shall be grouped together within a cooler, sheltered area such as adjacent to a structure or within an entry area or courtyard.
 2. Plants with similar water, soil, and sunlight requirements shall be grouped together within a separate irrigation system.
 3. A mulch of at least three inches shall be applied to all new planting areas, other than turf areas, to reduce water evaporation and help suppress weeds.
 4. A living, drought-resistant ground cover shall be used for all planter areas to reduce soil erosion, to insulate the soil from temperature extremes, and to reduce evaporation.
 5. New lawns shall be established with the use of hydroseeding or sod, utilizing the more drought tolerant varieties of improved fescues or Bermuda hybrids.
 6. Lawns shall be maintained and periodically thatched and mulched in accordance with standard horticultural practices to maintain maximum water penetration and avoid excessive water run-off
 7. Boulders, rocks, and gravel may be used for a ground cover material only as a special design element upon approval of the Planning Division.
- C. **Curbs required.** All landscape planters for other than a single family dwelling shall be separated from all parking and loading spaces, parking aisles, and driveways with a minimum 6 inch high concrete curb. In addition, for any such landscape area adjacent to a public sidewalk, in which the grade of the planter is higher than the sidewalk and which is planted with ground cover other than a hydroseeded or sodded lawn, a minimum 6 inch high concrete curb shall be provided alongside the public sidewalk to preclude soil erosion across such sidewalk.

19.532.040 Irrigation System and Maintenance.

- A. Except for single-family uses (one detached single-family dwelling unit on a lot), all required landscaping shall be provided with a permanent underground irrigation system. The irrigation system shall consist of piped water lines terminating in an appropriate number of sprinklers or other outlets to insure complete coverage of water for plants within the landscaped areas.
- B. Any permanent, underground irrigation system, whether required or not, shall comply with the following criteria.
1. Permits are required prior to installation of any permanent, underground irrigation system.
 - a. **Off-Site work.** Irrigation systems exclusively in City rights-of-way require permits issued by the Construction Services Division of Public Works. Any system within City rights-of-way shall meet the minimum requirements outlined under Engineering Standard No. ISP-1.
 - b. **On-Site work.** The Building Division will issue permits for on-site and combination on-site and off-site installations. Permit fees shall be in accordance with the applicable sections of the City Code.
 2. **Backflow Prevention Devices.** All irrigation systems shall be protected by an approved type and size of backflow prevention devices, as required by the Construction Services Division of Public Works.
 3. After installation, the system shall be flushed thoroughly to remove dirt and debris prior to installation of the sprinkler heads.

Division 5
Commercial / Industrial Zones
- Buena Park Zoning Ordinance -

4. All sprinkler heads shall be adjusted and maintained to minimize overspray upon public access ways in order to reduce the undermining of surface areas and to reduce water waste.

5. Irrigation systems shall be maintained in good working order.

C. In addition to the requirements of subsection B of this section, any required permanent underground irrigation system for a development with more than 2,500 sq. ft. in landscape area shall comply with the following criteria.

1. Each irrigation systems shall be equipped with an automatic controller with a mechanical or solid state timer capable of operating valve stations to set days and length of time.

2. Each irrigation system shall be equipped with a rain sensing override device which automatically shuts off the irrigation system when it rains.

3. Whenever possible, landscape irrigation shall be scheduled between 2:00 a.m. and 10:00 a.m. to avoid irrigation during times of high wind or high temperature.

4. For larger developments, the following criteria may be required when considered appropriate under a department policy of either the Planning Division or Construction Services Division of Public Works.

a. A soil moisture sensing device may be required where appropriate to measure soil moisture and maintain efficient irrigation schedules.

b. A separate landscape water meter may be required.

Chapter 19.536 Development Standards - Vehicular Provisions

Sections:

19.536.010	Street Dedication and Improvement.
19.536.020	Vision Clearance.
19.536.030	Driveway Standards.
19.536.040	Parking Spaces Required.
19.536.050	Parking Location.
19.536.060	Parking Dimensions and Layout.
19.536.070	Parking Structures.
19.536.080	Parking Improvements.
19.536.090	Service Bays.
19.536.100	Loading Areas.

19.536.010 Street Dedication and Improvement.

No building permit shall be issued until the following requirements are met:

A. All streets, alleys, and other public rights-of-way shown on plans approved by the City Council and which abut the subject property shall be dedicated to the planned right-of-way line or a deed of dedication deposited in escrow with an escrow agent acceptable to the City Attorney, the delivery of which is conditioned upon the required permit being granted.

B. All improvements of streets, alleys, and other public rights-of-way which abut the subject property and are required in order to conform to improvement standards approved by the City Council shall be installed, or a City Engineer, with sureties to be approved by the City Attorney, shall be filed with the City Clerk, or cash in a like amount shall be deposited with the Finance Director to be placed in a trust fund.

19.536.020 Vision Clearance.

A. Vision clearance areas shall be provided as follows:

1. On any corner lot: a triangular area at the street intersection measuring fifteen feet along each street property line (or the projections thereof parallel to the centerlines of the streets) from the point of intersection of such property lines (or the projections thereof);

2. At the intersection of an alley with a street, or at the intersection of two alleys, or at an angle point where the alignment of an alley changes by sixty degrees or more: a triangular area measuring fifteen feet along each street or alley property line from the point of intersection of the property lines;

3. At any driveway entrance from or exit to a street: triangular areas on each side of the driveway measuring fifteen feet along the street property line and fifteen feet along the edge of the driveway from the point of intersection of the edge of the driveway with the street property line.

B. Within a required vision clearance area there shall be no fence, tree, shrub, or other obstruction to sight between two feet and seven feet above the established street grade. Where the vision clearance area for an existing driveway falls on adjacent property, no additional obstruction in the two-foot to seven-foot height range shall be placed in the vision clearance area. Where existing obstructions exist on adjacent property in the two-foot to seven-foot height range, any new driveway constructed on the subject property shall be located so as to not have any such obstructions in its vision clearance areas.

C. Permitted Encroachments. The following encroachments are permitted within the required vision clearance area:

1. Fences, walls, and hedges, not over 2' high.
2. Landscaping, not over 2' high.
3. Access walkways.
4. Signs, subject to sign location and design requirements of Section 19.912.010 of Division 9.

19.536.030 Driveway Standards.

A. In case of any conflict between the requirements of this section and any safety requirements pursuant to the Fire Code, the Fire Code requirements shall prevail.

B. Every garage, carport, parking area, loading area, drive-in or drive-through service area, or other off-street vehicular waiting or maneuvering area shall be connected to one or more public streets or alleys by one or more driveways meeting the standards set forth in this section.

C. Driveway Width.

1. In the various zones, the width of any driveway shall be within the limits shown in Table 19.536.030.
2. Where the driveway approach width at the street property line required by the City Engineer pursuant to Title 12 is different from the driveway width required by this section, a variable width transition segment outside the street right-of-way shall be provided to provide a smooth connection.

Table 19.536.030

DRIVEWAY WIDTHS		
All zones	Minimum Driveway Width	Maximum Driveway Width
One -way	13 feet	35 feet
Two-way	25 feet	35 feet

D. Driveway Length. Within the commercial and industrial zones, the minimum length of a driveway extending from a street to a parking area shall be 20 feet. A parking aisle providing access into a parking space shall not overlap the minimum required driveway length. In addition, the City Engineer may require a greater driveway length for larger parking lots, based on the amount of vehicular traffic generated with the existing and/or proposed land use, and the volume and speed of traffic on the adjacent street.

E. Driveway Height Clearance. Within the required driveway width, there shall be no obstruction from the driveway surface to a height of eight feet. In addition, any portion of a driveway not covered by a building or porte cochere shall be unobstructed to a height of fourteen feet.

F. Driveway Curvature. The minimum turning radius for any curve in a driveway shall be twenty-five feet measured to the outside edge of the driveway.

G. Driveway Circulation Pattern.

1. Driveways and on-site circulation shall be arranged so that vehicles are not required to back into a street.
2. In all zones, in order to preclude backing from a parking space into an alley, there shall be no direct entry from an alley to a parking space.

19.536.040 Parking Spaces Required.

A. In connection with the use of each lot, sufficient off-street parking space shall be provided to meet the demand created by all activities on the lot. The minimum requirements for each use shall be as shown in Table 19.536.040, entitled Parking Spaces Required. Additional requirements may be imposed, based upon substantiated estimates, as a condition of approval of a development under site plan review, conditional use permit, or other development approval procedure provided for in this Title. For uses or property for which no parking requirement is set forth in Table 19.536.040, nor previously determined under the interpretation procedure (Section 19.128.010), nor established under a development approval procedure, a parking requirement shall be determined for that type of use pursuant to the interpretation procedure set forth in Section 19.128.010.

B. The floor area of any space used for parking, loading, or vehicular circulation shall not be included in the gross floor area use to calculate a parking requirement.

C. Where there is more than one activity or use on a lot, the total parking space requirement shall be the sum of requirements for the separate components unless a conditional use permit is granted by the City for shared parking. An application for shared parking facilities may be considered for uses with significantly different peak hours of operation which must meet the following requirements:

1. A parking study prepared by a traffic engineer shall be submitted by the applicant demonstrating that there will not exist substantial conflict in the peak hours of parking demand for the uses for which joint use is proposed.
2. The number of parking spaces credited from one use to another under a shared parking agreement shall not create a situation where either use does not maintain the minimum number of spaces deemed necessary during peak hours of operation.
3. Parking spaces designated for joint use shall be located within a reasonable proximity to the use served as determined by the permit issued.
4. A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned assuring the continued availability of the number of spaces designated for joint use.

D. Where an off-street parking district has been established, the parking space requirement for each property within the district shall be reduced by the share of the total spaces provided by the district which is proportional to the share of the district assessment borne by the same property.

E. Any fractional space requirement resulting from the calculation of required parking spaces shall be disregarded if less than 0.50 space and shall be counted as one required space if 0.50 or greater.

Table 19.536.040

PARKING SPACES REQUIRED

Use	Parking Spaces Required
RESIDENTIAL USES:	
Group quarters:	
Rooming house, dormitory, sorority, fraternity, etc.	1 space per sleeping room (plus 1 space per 100 square feet of total net floor area in sleeping rooms which are in excess of 150 square feet in each such room) plus 2 spaces for any manager's dwelling unit.
Religious group quarters.	0.5 space per sleeping room (plus 0.5 space per 100 square feet of total net floor area in sleeping rooms which are in excess of 150 square feet in each such room).
PUBLIC SERVICE USES:	
Community Day Care:	
Child / adult day care center	1 space per employee plus 1 passenger loading space per 6 children or adults under supervision. Joint use with church parking allowed.
Health Facilities:	
Long-term health care facility (convalescent or nursing home)	0.5 space per bed plus 2 spaces for any manager's dwelling unit.
Hospital	2 spaces per bed.
Medical, dental clinic	5 spaces per 1,000 square feet gross floor area. (1)
Public Assembly:	
Church	1 space per 5 fixed seats (or 7.5 feet of bench) plus 1 space per 40 square feet of other net assembly area in the one largest assembly room. 10 spaces minimum.
Mortuary	1 space per 3 fixed seats or 4.5 feet of bench.
Recreation hall, community center, club or lodge, conference rooms, banquet rooms	10 spaces per 1,000 square feet of gross floor area
Library, museum, art gallery	3 spaces per 1,000 square feet of gross floor area.

Notes:

(1) For a structure serving multiple tenants, a common pedestrian concourse, common lobby, common service and mechanical rooms, and common public restrooms shall not be considered as part of the gross floor area

Table 19.536.040

PARKING SPACES REQUIRED, cont'd.

Use	Parking Spaces Required
PUBLIC SERVICE USES, CONT'D.:	
Education:	
• Elementary or junior high school	1 space per 200 square feet teaching area, or public assembly requirement, whichever is greater.
• Senior high school	1 space per 100 square feet teaching area, or public assembly requirement, whichever is greater
• College, university, vocational, business or trade school, tutoring	33 spaces per 1,000 square feet of gross floor area of classrooms, lab or other instructional floor area plus 4 spaces per 1,000 square feet of office or administrative floor area.
Recreation:	
• Passive park (no buildings or sport facilities)	2 spaces per acre.
• Golf driving range	1.5 spaces per tee plus requirements for other facilities.
• Miniature golf	2 spaces per 1,000 square feet lot area.
• Tennis	3 spaces per court.
• Swimming pool	1.5 spaces per 100 square feet pool and deck area.
Commercial Recreation:	
• Auditorium, theater, gymnasium, outdoor stadium arena, outdoor grandstand	1 space per 3 fixed seats or 4.5 feet of bench.
• Adult movie theater	1 space per 2.24 fixed seats.
• Cabaret	33.3 spaces per 1,000 square feet of gross floor area.
• Dancehall	35 spaces per 1,000 square feet of dance floor area.
• Skating rink	5 spaces per 1,000 square feet of rink area, plus requirement for any accessory use; i.e., full-service restaurant, arcades, etc.

Table 19.536.040

PARKING SPACES REQUIRED, cont'd.

Use	Parking Spaces Required
PUBLIC SERVICE USES, CONT'D.:	
• Bowling alley	3 spaces per alley plus requirement for other activities.
• Racquetball or handball courts	3 spaces per court plus requirement for other activities.
• Athletic club	6.67 spaces per 1,000 square feet gross floor area.
• Other commercial recreation (not public assembly or outdoor)	5 spaces per 1,000 square feet gross floor area.
COMMERCIAL USES:	
• Eating and drinking (including fast food establishments and free-standing restaurants in integrated developments)	10 spaces per 1,000 square feet gross floor area including outdoor eating and drinking areas. 10 spaces minimum.
• Eating establishments, take-out only with no public restrooms and seating for less than 10.	5 spaces per 1,000 square feet gross floor area. 5 spaces minimum if located on a separate parcel.
• Hotel or motel	1 space per guest room plus requirements for other uses such as restaurant, public assembly, and recreational facilities open to the public.
• Offices—General	4 spaces per 1,000 square feet gross floor area. (1)
• Bank	6 spaces per 1,000 square feet gross floor area.
• Retail goods and services	5 spaces per 1,000 square feet gross floor area.
• Shopping center	5 spaces per 1,000 square feet gross floor area. (1) Except for free-standing restaurants within a center, up to 20 percent of the total other floor area may be allowed in uses with higher parking requirements without applying such higher requirements.
• Retail plant nursery	1 space per 1,000 square feet sales and display area (indoor and outdoor). 5 spaces minimum.

Notes:

(1) For a structure serving multiple tenants, a common pedestrian concourse, common lobby, common service and mechanical rooms, and common public restrooms shall not be considered as part of the gross floor area

Table 19.536.040

PARKING SPACES REQUIRED, cont'd.

Use	Parking Spaces Required
COMMERCIAL USES, CONT'D.	
Vehicle sales or display	2.5 spaces per 1,000 square feet gross floor area plus 1 space per 1,000 square feet outdoor display area. 5 spaces minimum. To be clearly marked and not used for display or storage of vehicle inventory.
Passenger transportation terminal	To be determined under conditional use permit.
Public utility facilities with no employees or visitors (transformer stations, pumping stations, etc.)	No requirement.
Other uses in commercial zones	5 spaces per 1,000 square feet gross floor area.
Drive-In Facilities:	
Automobile service station	5 parking spaces per 1,000 square feet gross floor area, 4 spaces minimum, plus 3 waiting spaces per service lane.
Car wash—Full service	10 parking spaces plus 30 waiting spaces ahead of each wash lane plus 10 waiting spaces after each wash lane.
Car wash—Drive-through	5 parking spaces plus 3 waiting spaces ahead of each wash lane plus 2 waiting spaces after each wash lane.
Car wash—Self-service	1 waiting space ahead of each stall plus 1 other waiting space per stall.
Drive-in theater	Waiting spaces ahead of entry gate as determined under conditional use permit.
Drive-in bank	6 spaces per 1,000 square feet gross floor area plus 5 waiting spaces ahead and 1 space after each transaction device.
Drive-in restaurant	10 spaces per 1,000 square feet gross floor area including outdoor eating area, 10 spaces minimum, plus 5 waiting spaces ahead and 1 space after each drive-through service window.
Drive-in dairy, drive-in cleaners	5 spaces per 1,000 square feet gross floor area plus 5 waiting spaces ahead and 1 space after each drive-through service window.
Photofinishing drop-off/pickup station-window.	1 waiting space ahead and 1 space after each service

Table 19.536.040

PARKING SPACES REQUIRED, cont'd.

Use Drive-In Facilities, cont'd.	Parking Spaces Required										
Other drive-in facilities	Other applicable requirements for use plus 3 waiting spaces ahead plus 1 space after each drive-through service window or station.										
INDUSTRIAL USES:											
Mini-storage space rental for public self-storage.	1 space per 150 storage units (with a minimum 4 spaces required) plus 4 spaces per 1,000 square feet gross floor area for related office use (with a minimum 4 spaces required) plus 2 covered parking spaces for any on-site manager's living quarters.										
Industry, wholesale, warehouse, distribution, and similar uses permitted in industrial zones	For each building, sum of spaces computed as follows: <table style="margin-left: auto; margin-right: auto;"> <tr> <th style="text-align: center;">Number of Spaces Per One Thousand Square Feet Gross Floor Area</th><th style="text-align: center;">Computed on Gross Floor Area Increment of (in square feet)</th></tr> <tr> <td style="text-align: center;">3</td><td>First 10,000</td></tr> <tr> <td style="text-align: center;">2</td><td>Next 40,000</td></tr> <tr> <td style="text-align: center;">1</td><td>Next 50,000</td></tr> <tr> <td style="text-align: center;">0.5</td><td>Above 100,000</td></tr> </table> 2 spaces minimum per use. Up to 20 percent of gross floor area per tenant may be in related office use without applying different parking requirement for offices.	Number of Spaces Per One Thousand Square Feet Gross Floor Area	Computed on Gross Floor Area Increment of (in square feet)	3	First 10,000	2	Next 40,000	1	Next 50,000	0.5	Above 100,000
Number of Spaces Per One Thousand Square Feet Gross Floor Area	Computed on Gross Floor Area Increment of (in square feet)										
3	First 10,000										
2	Next 40,000										
1	Next 50,000										
0.5	Above 100,000										

19.536.050 Parking Location.

A. Required parking shall be located on the same lot as the activities or uses served, except as follows:

1. Required parking may be located on a lot adjacent to the lot served subject to a recorded covenant as provided in subsection B of this section.
2. Within the "CBD" redevelopment project area, required parking may be located within three hundred feet of the lot served, subject to a recorded covenant as provided in subsection B of this section.
3. Any required parking provided by means of an off-street parking district is not subject to a specific location requirement.

B. Where required parking is not on the same lot as the activity or use served, a covenant running with the land shall be recorded by the owner of the parking lot guaranteeing to the City that the required parking will be maintained for the use or activity served.

19.536.060 Parking Dimensions and Layout.

- A. Except as further provided in this section, the layout of parking areas shall meet the standards shown in Table 19.536.060, entitled Parking Layout Standards.
- B. There shall be a clear vehicular entry to every required parking space at least equal in width to the required width of the space.
- C. Each parking space and aisle shall have a clear height of at least six and one-half feet. For all nonresidential parking areas, at least twenty percent of the spaces provided, together with their associated parking aisles, shall have a clear height of at least seven feet.
- D. Parking spaces for the handicapped shall be provided in accordance with state standards.
- E. Required parking spaces shall meet the requirements for standard car parking as shown in Table 19.536.060, entitled Parking Layout Standards; except, for any parking area of ten or more spaces, not more than thirty percent of the required spaces may be for compact car parking. With justification for certain uses, a conditional use permit may be considered to permit the percentage of compact spaces to exceed 30%.
- F. Any parking area shall provide internal circulation for access to all spaces without causing vehicles to back into or reenter a street.
- G. Waiting (queuing) spaces shall not overlap parking aisles or driveways.

Table 19.536.060

PARKING LAYOUT STANDARDS										
Type of Space:	Stall		Aisle Width (in feet)							
	Width in feet	Length in feet	One-Way				Two-Way			
			30°	45°	60°	90°	30°	45°	60°	90°
Standard Car Parking:										
Angle Parking:										
Commercial use	9 (1)	19	13	15	20	25	20	20	20	25
Industrial use	8.5 (1)	19	13	15	20	25	20	20	20	25
Parallel parking	8	23								
Compact Car Parking:										
Angle parking	8 (1)	16	13	15	20	25	20	20	20	25
Parallel parking	7	18								
Waiting (Queuing) Spaces	9	20								
Passenger Loading:										
Parallel to curb	8	23								
At angle to curb	9.5	19								

(1) With ninety-degree angle parking, an end stall shall be provided with a 2' wide planter adjacent to a wall or structure.

19.536.070 Parking Improvements.

A. Except as otherwise specified in this Title, parking may be provided in parking lots, carports, garages, or other parking structures.

B. Drainage. All areas for the movement, parking, loading, repair, or storage of vehicles shall be graded and drained to dispose of surface water. In all cases except single-family residential uses, drainage shall be arranged to prevent surface flow across walkways and driveways.

C. Paving.

1. All areas for the movement, parking, loading, repair, or storage of vehicles shall be paved and maintained to eliminate dust and mud, to provide an even, unbroken driving surface, and to present a uniform appearance.

2. All paving shall meet one of the following minimum standards:

- a. Portland cement concrete, three and five eighths inches thick;
- b. Asphalt, one and one-half inches thick on a four inch aggregate base;
- c. Other pavement determined by the Director to be equivalent to one of the above standards in useful life, serviceability, and appearance.

D. Wheelstops. In all angle parking stalls (including ninety-degree parking) facing the perimeter of a parking area, individual concrete wheelstops or a six-inch high poured-in-place concrete curb shall be provided, located three feet inside the front boundary of the stalls.

E. Landscaping.

1. **Landscaped Buffers Along Streets.** Every parking area adjacent to a street shall be set back from the property line as required by Section 19.520.020. Such setback areas shall be permanently landscaped in accordance with the requirements of Chapter 19.532.

2. **Landscaped Buffers Along Alleys.** Except for driveways and walkways, a minimum 4 foot wide landscaped planter shall be provided along all parking areas adjacent to an alley.

3. **Interior Landscaping.** Within the parking area of any parking lot with ten or more parking spaces, an area equal to at least seven percent of the total parking and driveway area shall be landscaped with trees and some combination of shrubs, vines and ground cover. In the industrial zones, the landscaping requirement for parking areas located beyond the required building setbacks along a street may be reduced to three percent. Such landscaping shall be reasonably distributed throughout the area in order to avoid a monotonous appearance and to enhance the visual attractiveness of the area, especially those portions in public view. All portions of a parking area not improved for parking aisles and stalls and more than five feet by five feet in size shall be landscaped. Any portion of the parking area not landscaped shall be paved. At all boundaries between landscaped areas and paving, a six-inch-high concrete curb shall be provided.

4. **Landscaped Buffers Along Residentially Zoned Properties.** Every parking area adjacent to residentially zoned property shall be set back from the property line as required by Section 19.532.010. Such setback areas shall be permanently landscaped in accordance with the requirements of Chapter 19.532.

F. Marking of Parking Spaces. All parking areas serving nonresidential uses shall be marked as follows:

1. For industrial uses: single or double lines separating stalls;
2. For other uses: double lines separating stalls, with minimum 4 inch wide stripes and a minimum 8 inch separation;
3. Spaces for handicapped parking and for compact cars shall be so identified;
4. In accordance with any additional standards for marking of parking areas which may be adopted pursuant to Section 19.124.050.

G. Lighting. Security lighting for non-residential uses shall be provided in all parking areas accessible to public entry after dark, subject to the following criteria:

1. All artificial lighting shall be so designated to provide safety and security to the property users, as well as the enhancement of the general appearance of the development. Use of unhooded, bare bulbs shall be avoided.
2. Security lighting for non-residential uses in the commercial zones shall provide the following requirements:
 - a. The equivalent of one (1) foot candle minimum of illumination shall be provided throughout the parking area.
 - b. All security lighting shall be on a time clock or photosensor system.
3. Building-mounted lighting fixtures shall not project above the fascia or roof line. Recessed wall mounts are encouraged.
4. Pole mounted luminaires shall not exceed the height of the buildings on the site, unless otherwise approved by the Director.
5. All luminaires shall be designed, shielded, or aimed in such a manner so as not to produce glare upon adjacent properties or rights-of-way.
6. All required lighting shall be permanently maintained as a condition of the use.

19.536.080 Parking Structure.

In addition to other requirements of this Division, a parking structure shall be subject to the following requirements.

- A. For any portion of a parking structure within 50 feet of a residential zone, there shall be no openings, other than for pedestrian or vehicular access, in any wall which faces the residential zone. Furthermore, any ramp and the top level parking surface within 50 feet of a residential zone shall have a minimum 6 feet high perimeter solid wall as measured from the floor of the parking surface.
- B. For the purpose of screening parked vehicles from public view on all other levels, there shall be a minimum 36 inch high perimeter architectural screen, measured from the finished floor, for all parking areas within the structure.
- C. The use of materials and the architectural design for the parking structure shall be compatible with the other structures on the property.
- D. Suitable trees of a size and height relative to the scale and height of the structure shall be planted near and around the parking structure.

19.536.090 Service Bays.

Any opening in a building equal to or greater than eight by eight feet where such opening abuts a vehicular area and provides access primarily for the servicing of vehicles, including auto lube/repair, carwash, and tire/brake service, etc., shall be considered as a service bay. Such service bays shall comply with the following requirements:

- A. No service bay shall face a public street, except as permitted within this section.
- B. A service bay facing a public street may be authorized with a conditional use permit, subject to sufficient setback and sight-screening measures to be established under the conditional use permit procedure.

19.536.100 Loading Areas.

- A. Each nonresidential use shall provide off-street loading spaces as shown in Table 19.536.080, entitled Loading Space Requirements.
- B. No loading space shall be located in a manner that, when occupied, blocks any driveway, parking space, or access to a parking space.
- C. All loading doors, loading docks and truck maneuvering areas, whether required or not, shall be accessible and functional in accordance with any truck maneuvering standards which may be adopted pursuant to Section 19.124.050.

Division 5
Commercial / Industrial Zones
- Buena Park Zoning Ordinance -

D. Any door in a building equal to or greater than eight by eight feet where such door abuts a vehicular area and does not meet the criteria of Section 19.536.090 for a service bay shall be considered as a loading door. Such loading doors shall comply with the following requirements:

1. No loading door or loading dock shall face a public street, except as permitted within this section.
2. Within the industrial zones, a loading door facing a public street may be authorized with a conditional use permit, subject to the circulation requirements of this Chapter and sufficient setback and sight-screening measures to be established under the conditional use permit procedure.

Table 19.536.080

LOADING SPACE REQUIREMENTS

Category	Gross Building Floor Area (in square feet)	For Each Building		
		Number of Loading Spaces Required by Type		
		Type A	Type B	Type C
Hotels and office buildings	0— 5,000	0		
	5,000— 50,000	1		
	50,000—100,000	1		
	More than 100,000	1	1	
Commercial zones (CO, CS, CG)	0— 5,000	0		
	5,000— 20,000	1		
	20,000— 40,000	2		
	40,000—100,000	2	1	
	More than 100,000	2	1	1
Industrial zones (CM, MR, ML~ MH)	0— 5,000		0	
	5,000— 20,000		1 (1)	
	20,000— 40,000		2	
	40,000—100,000		2	1
	More than 100,000		2	2

Type	Dimension of Loading Spaces (in feet)			Apron (2)
	Length	Width	Height	
A	20	12	14	25
B	40	10	14	46
	40	12	14	43
	40	14	14	39
C	60	10	14	72
	60	12	14	63
	60	14	14	60

(1) For industrial buildings under 20,000 square feet, the type B loading space may be substituted with a type A loading space.

(2) An "apron" is an extension of the length of the loading space to provide for maneuvering of trucks. The apron may overlap an alley, driveway, parking aisle, or another loading space, but not a street or parking space.

Chapter 19.540 Transportation Demand Management Requirements For Specified New Development

Sections:

19.540.010	Intent and Policy.
19.540.020	Definitions.
19.540.030	Applications of Chapter Provisions.
19.540.040	Facility Standards.
19.540.050	Monitoring.

19.540.010 Intent and Policy

A. This chapter is intended to meet the requirements of the California Government Code, Section 65089 (b) (3) which requires development of a trip reduction and travel demand element to the CMP, and California Government Code, Section 65089.3(a) (2) which requires adoption and implementation of Trip Reduction and Travel Demand Ordinance.

B. New commercial, office, industrial, and mixed use developments employing 100 persons or more may adversely impact existing transportation and parking facilities, resulting in increased motor vehicle emissions, deteriorating levels of service, and possibly significant additional capital expenditures to augment and improve the existing transportation system. In order to more efficiently utilize the existing and planned transportation system and to reduce vehicle emissions, it is the policy of the City to:

1. Reduce the number of peak-period vehicle trips generated in association with new development.
2. Promote and encourage the use of alternative transportation modes such as ridesharing, car pools, vanpools, public bus, and rail transit, bicycles, and walking as well as those facilities that support such modes.
3. Achieve related reductions in vehicle trips, traffic congestions, and public expenditure and achieve air quality improvements through utilization of existing local mechanisms and procedures for project review and permit processing.
4. Promote coordinated implementation of strategies on a county-wide basis to reduce transportation demand.
5. Achieve the most efficient use of local resources through coordinated and consistent regional and local TDM programs. (Ord. 1264 § 5 (part), 1991)

19.540.020 Definitions

A. For purposes of this chapter, the definitions for the following terms shall apply:

1. "Alternative Transportation Modes" means any mode of travel that serves as an alternative to the single occupant vehicle. This can include all forms of ridesharing such as carpooling or vanpooling, as well as public transit, bicycling, or walking.

2. "Applicable Development" means any new development project that is determined to meet or exceed the employment threshold using the criteria contained in Section 19.540.030.
3. "Carpool or Vanpool" means two or more persons using the same vehicle to commute to or from an employment site or sites.
4. "Employee" means any person employed by a firm, person(s), business, educational institution, non-profit agency, or corporation, government agency or other entity. Employee shall include a person employed on a full time, part time, or temporary basis.
5. "Employment Generation Factors" refers to factors as specified in Section 19.540.030 for projecting the potential employment of any proposed development project.
6. "Mixed-Use Development" means new development projects that combine any one of these land uses with another: residential, office, commercial, light industrial, and business park.
7. "New Development Project" means any non-residential project being processed where discretionary action by a decision-making body is required.
8. "Transportation Demand Management (TDM)" means the implementation of programs, plans, or policies designed to encourage changes in individual travel behavior. TDM can include an emphasis on alternative travel modes to the single occupant vehicle (SOV) such as carpools, vanpools, and transit, reduction or elimination of the number of vehicle trips, or shifts in the time of vehicle commutes to other than the peak-periods. (Ord. 1264 § 5 (part), 1991)

19.540.030 Applications of Chapter Provisions.

- A. This chapter shall apply to all new development projects that are estimated to employ a total of 100 or more persons as determined by the methodology specified in Subsection B. below.
- B. For purposes of determining whether a new development project is subject to this chapter, the total employment figure will be as follows:
 1. Employment projections developed by the project applicant, subject to approval by the Director of Development Services; or
 2. Employment projections developed by the City using the following employee generation factors by type of use.

Land Use Category	Gross Sq. Ft./Employer
Commercial	500
Office/Professional	250
Industrial	525
Hotel or Motel	0.8 / room

3. The employment projection for a development of mixed or multiple uses shall be calculated on a case by case basis based upon the proportion of development devoted to each type of use. (Ord. 1264 § 5 (part), 1991)

19.540.040 Facility Standards.

A. All applicable developments shall be subject to the Facility Standards as specified in this chapter and shall include in their project plan's provisions to provide each of the improvements.

B. Preferential parking for carpool and vanpool vehicles.

1. At least ten percent (10%) of the employee parking spaces shall be reserved and designated for carpool and vanpool vehicles by marking such spaces "Carpool Only".

2. Such spaces shall be located near the building's employee entrances(s) or at other preferential locations within the employee parking areas as approved by the City.

3. Where applicable, vanpool vehicle accessibility shall include a minimum 7'2" vertical clearance for those parking spaces and ramps to be used by such vehicles.

4. The total number of employee parking spaces shall be determined by using the parking requirements specified in this Chapter and the following factors by type of use as specified.

Type of Use	Percent of Total Parking Devoted to Employee Parking
Commercial	30%
Office/Professional	85%
Industrial	90%
Hotel or Motel	30%

C. Facilities for Bicyclist.

1. Secure, adequate, and convenient storage for bicycles shall be provided.

2. Separate shower and locker room facilities shall be provided for men and women employees unless a finding is made by the Director of Development Services that provision of such facilities on a specific development are not practical or efficient.

D. Information on Transportation Alternatives.

1. A commuter information area shall be provided within or near each building. The area shall be centrally located and accessible to all employees.

2. Such area shall be of sufficient size to accommodate the display or provision of information such as:

a. Current maps, routes, and schedules for public transit

b. Available employee incentives for use of alternate transportation modes, if any.

E. Bus Stop Improvements. Bus stop improvements shall be provided and located as deemed necessary and appropriate by the City Engineer. Said improvements shall be developed in accordance with the standards set forth by the City Engineer and may include dedication of right-of-way for improvement of bus pullouts, bus pads, and bus shelters. (Ord. 1264 § 5 (part), 1991)

19.540.050 Monitoring

Periodic monitoring of the applicable developments may occur to ensure full and continued implementation of the Facility Standards as described in Section 19.540.040 above. (Ord. 1264 § 5 (part), 1991)

Division 5
Commercial / Industrial Zones
- Buena Park Zoning Ordinance -

Chapter 19.544 Development Standards - Utilities And Mechanical Equipment

Sections:

19.544.010	Undergrounding of Utilities
19.544.020	Visual Screening of Mechanical Equipment
19.544.030	Receive-only Television, Satellite Dish, and Radio Antennae Placement in Commercial and Industrial Zones.

19.544.010 Undergrounding of Utilities.

A. In connection with the new construction or relocation of a main building, or a change of use to a nonresidential use, all utility lines within the site boundaries shall be placed underground. Necessary surface-mounted utility equipment is permitted, provided it is screened from public view in the same manner as required for mechanical equipment as provided in Section 19.544.020.

B. The provisions of this section may be waived pursuant to the procedure provided under Section 19.128.060.

19.544.020 Visual Screening of Mechanical Equipment.

A. All exterior equipment, whether freestanding or attached to a building, including pipes, conduit, and duct work shall be effectively screened from public view or architecturally integrated into a building structure, with the following exceptions:

- 1.** Ordinary vents on single-family dwellings,
- 2.** Window-mounted air conditioning units on single-family dwelling,
- 3.** Solar panel surfaces (but not supports, piping, etc.),
- 4.** Outdoor lighting standards and fixtures.

B. It is the intent of the City to encourage all new construction to provide for any such equipment during the initial design stages by parapets, penthouses, etc. Existing facilities or those structures under construction may screen such equipment with architecturally designed screens.

C. Plan check (Retrofits). Applicant shall submit two copies of a plot plan which shall indicate clearly and by full dimensions the following information:

- 1.** Lot dimensions
- 2.** All buildings and structures: location, size, height, and proposed use.
- 3.** All walls, fences and landscaping: location, height, and materials.
- 4.** Location of equipment proposed to be installed.
- 5.** Elevations of equipment and proposed screening, depicting colors, materials, and dimensions of screening.

D. Design/Materials

1. Screening must be architecturally consistent with the facility in terms of design type and colors. Effective screening does not call attention to itself, but quietly complements the building.
2. No raw or untreated materials shall be used on roof or building mounts. Fire Code requirements for the particular use and/or building will determine the permitted combustible or non-combustible material.
3. On ground mounts, view obscuring ornamental block, wood, and earth berms with acceptable landscaping may be used to provide effective architectural screening, if the treatment is deemed to be consistent with the overall design concept.

E. Treatment of Above Grade Transformers; Meters; Gas Manifolds, etc.
It is the intent to encourage the placement of such equipment in underground vaults. If placed above grade, such equipment shall be located and screened from public view by an architectural screen and landscaping, subject to the approval of the Planning Division staff.

F. Maintenance. All screening devices shall be permanently maintained as a condition of the use.

19.544.030 Receive-only Television, Satellite Dish and Radio Antennae Placement in Commercial and Industrial Zones.

A. Receive-Only Antennae Weighing Less than Thirty-Five Pounds.

1. Any receive-only antenna weighing less than thirty-five pounds may be mounted in the rear yard, interior side yard, or on the roof of any structure, subject to all conditions hereinafter provided.
2. Any receive-only antenna weighing less than thirty-five pounds may be mounted in the front yard or street side yard, subject to conditions hereinafter provided, upon receipt of an antenna permit obtained in accordance with the provisions of subsection E of this section.

B. Receive-Only Antennae Weighing Thirty-Five Pounds or More.

1. Each receive-only antenna weighing thirty-five pounds or more shall be installed in the rear yard, except as hereinafter provided.
2. In the event overall quality of reception in the rear yard is not at least equal to that received by cable, or other circumstances preclude such installation, a permit may be obtained, in accordance with the provisions of subsection E of this section, authorizing the antenna to be located in order of preferred placement, and subject to the conditions and restrictions of subsection D of this section.

C. Screening Required.

1. Each receive-only antenna visible to the public which has a surface area exceeding twenty square feet, or which is to be mounted in the front yard, shall be screened to the satisfaction of the City Planner or his designee. If such antenna is to be mounted directly, or through a supporting structure, to the ground, then such screening shall be accomplished through the use of appropriate plants, trees, or shrubbery and wood lattice or other material compatible with the structure. Plants, trees, or shrubs to be utilized for screening purposes shall have a minimum container volume of fifteen gallons at the time of planting. All such screening shall be on three sides and shall be sufficiently high so as to screen ninety percent or more of the antenna from public view.
2. Each receive-only antenna with a surface area exceeding twenty square feet which is permitted to be roof mounted, shall be screened with materials compatible with the structure upon which such antenna is mounted and shall be screened to the satisfaction of the City Planner or his designee. Such screening shall be on at least three sides and shall be sufficiently high so as to screen at least ninety percent of the antenna from public view.

D. Conditions and Restrictions Applicable to all Receive-only Antenna Installations.

1. Location.

a. The preferred order of placement shall be the roof, if completely screened by existing building parapet walls, then rear areas, side areas, side areas abutting a street, roof, and finally front areas. However, no antennae shall be permitted within required yard areas abutting a street where solid fences are not permitted to exceed a maximum height of two feet. (Ord. 1233 §10,1989)

b. No receive-only antenna, or its supporting structure, shall be installed in any required setback or in any other location which would impede emergency access to any portion of the subject property.

2. Height. No receive-only antenna shall exceed ten feet in height above the peak roof line of the structure upon which such antenna is mounted or ten feet above the peak roof line of the closest structure located on the subject property if such antenna is not to be roof mounted.

3. The provisions of this section hereinafter shall not be deemed to preempt or supersede contractual conditions, covenants, and/or restrictions which may prohibit such antenna installation.

4. No receive-only satellite dish antenna shall exceed ten feet, six inches in diameter.

5. Each receive-only satellite dish antenna shall be earth-tone or neutral in color and shall be constructed of a "see-through" mesh or open grid design. Solid surface receive-only satellite dish antennae, such as solid white fiberglass designs, are prohibited unless completely screened from view at all times.

6. Nothing herein shall excuse any person from obtaining all permits otherwise required or from complying with any and all applicable local and State codes, laws, and regulations pertaining to the installation of antennae and/or antenna supporting structures.

E. Receive-Only Antenna Permit Application.

1. Where a permit is required, or application therefor is authorized, under any provision of this section, each person desiring a permit shall apply to the City's Planning Division. The applicant shall provide a completed application on a form provided by the Planning Division containing at minimum, the following:

a. Name, address, and telephone number of the applicant,

b. The specific location where the applicant proposes to install the antenna, including a detailed description of the antenna design and any supporting structure proposed to be utilized, including size, weight, and such other information as the Planning Division may require,

c. Specific reasons as to why the antenna proposed to be installed should not be mounted in the rear yard, or otherwise, in accordance with the preferred order of placement, as herein prescribed,

d. If required herein, a description of the screening proposed to be utilized by the applicant,

e. A sketch or other drawing, satisfactory to the Director, showing:

i. Location of physical features on the subject property,

ii. Approximate dimensions (plus or minus one foot) of the subject lot and physical features thereon,

iii. The specific location where the antenna, and screening if required, are proposed to be installed,

iv. Any other physical features in the area of the subject property which applicant feels would adversely affect reception in those areas set forth herein as "preferred," and

v. The design of the antenna and proposed support structure,

Division 5
Commercial / Industrial Zones
- Buena Park Zoning Ordinance -

f. A statement as to why the proposed antenna may not be satisfactorily installed, or will not satisfactorily function, in a preferred area, as prescribed herein,

g. A declaration made under penalty of perjury that either the property upon which the antenna is proposed to be installed is not subject to any contractual covenants, conditions, or restrictions, or alternatively, that any applicable contractual covenants, conditions, or restrictions do not preclude the installation of the antenna, as proposed by the applicant.

2. All applicants for an antenna permit may be required to show to the satisfaction of the Director that circumstances preclude installation in a preferred area, or that reception quality in the preferred area or areas is insufficient, as herein prescribed.

3. Any person aggrieved by any provisions of this section due to exceptional circumstances may apply for an antenna permit in accordance with the provisions of subsection E of this section.

Chapter 19.548 Development Standards - Environmental Effects

Sections:

19.548.010	Noise Control.
19.548.020	Compliance with Airport Environs Land Use Plan for Orange County.
19.548.030	Lighting.
19.548.040	Maintenance and Operation.

19.548.010 Noise Control.

In addition to the requirements of Title 8, the following noise standards shall be met where applicable:

A. Air Conditioning Equipment. Exterior air conditioning equipment, other than self-contained window-mounted units in single-family dwellings, shall have a sound rating number (SRN) no greater than 8.2 bels, in accordance with ARI (Air Conditioning and Refrigeration Institute) Standard 270, or the equivalent.

B. Public Address Systems. In all commercial and industrial zones, any public address systems, loudspeakers, and other sound-producing equipment shall be designed, installed, and operated in a manner which is not disturbing to the surrounding area.

19.548.020 Compliance with Airport Environs Land Use Plan for Orange County.

(RESERVED)

19.548.030 Lighting.

A. Lighting on any premises shall be directed, controlled, screened, or shaded in such a manner as not to shine directly on surrounding premises. Where adjacent owners enter into a written agreement, which shall be recorded, for the joint illumination of their premises, their combined properties shall be considered as a single premises for purposes of this regulation.

B. Lighting on any premises also shall be controlled so as to prevent glare on driveways, walkways, and public thoroughfares.

C. Building lighting within the commercial zones, for the purpose of enhancing or accentuating the architectural elements of a building and which may include the use of exposed neon and unshaded bulbs, may be authorized with a site plan review per Section 19.128.040. The review shall determine the appropriateness of the lighting to the building design. In addition to the other requirements of this section, there shall be no blinking, twinkling, scintillation, cyclic variation, motion, or the appearance of motion in the illumination.

19.548.040 Maintenance and Operation.

All uses and activities shall be operated and maintained so as not to be hazardous, obnoxious, or offensive due to air pollution, odor, dust, smoke, gas, water pollution, noise, vibration, illumination, glare, electromagnetic disturbance or other radiation, or similar effects detrimental to public health, safety, and welfare. All federal, state, and local laws and regulations concerning environmental protection shall be complied with.

Chapter 19.552 Special Requirements For Certain Uses

Sections:

19.552.010	Animal Keeping.
19.552.020	Retail Dry Cleaning.
19.552.030	Restaurants Serving Alcoholic Beverages.
19.552.040	Game Machine Arcades.
19.552.050	Automobile Service Stations.
19.552.060	Carwashes.
19.552.070	Commercial Establishments with Drive-in, Drive-through, and Walk-up Window Service.
19.552.080	Recycling Centers.
19.552.090	Adult Entertainment Businesses.

19.552.010 Animal Keeping.

A. Purpose. The purpose of this section is to reasonably control the number and types of animals being maintained within the commercial and industrial zones in order to protect the peace, health, and safety of residents and to preserve the urban and suburban quality of the environment.

B. Animals Allowed. No animal shall be kept or maintained within the commercial and industrial zones except as follows:

1. **Household Pets.** For any existing residential use in the commercial and industrial zones, household pets may be kept to the same extent permitted in the RS zones of Division 3.

2. Domesticated animals such as horses, mules, cows, goats, or sheep may be kept only in permitted equestrian establishments and theme recreational parks.

3. Wild animals may be kept only as follows:

a. In a permitted zoo;

b. In an educational institution for the purpose of instruction, provided such animals are securely confined and properly cared for in a manner satisfactory to the Orange County poundmaster;

c. At an entertainment establishment only as specifically provided for under the terms of a conditional use permit.

4. Animals of a type permitted in the commercial and industrial zones by the above provisions of this subsection may also be kept for a temporary period in a permitted animal hospital or kennel provided suitable facilities for such animals are available.

C. Limitations.

1. No person shall keep, maintain, or permit on any lot, parcel of land or premises under his control, any animal which by any sound or cry disturbs the peace and comfort of the inhabitants of the neighborhood or interferes with any person in the reasonable and comfortable enjoyment of life or property. Nor, shall any person

maintain any animals in such a manner as to cause the breeding of flies or the creation of obnoxious odors, or in any manner which becomes or is a nuisance or health hazard.

2. All animals shall be kept under control at all times by leash, fences, pens, corrals, cages, or suitable enclosures within buildings.

3. All animal-keeping structures shall conform to any applicable zoning and building code requirements.

4. Any premises where animals are kept shall be open to reasonable inspection by City personnel and other public officers who have responsibility for enforcement of animal-control regulations.

19.552.020 Retail Dry Cleaning.

A. Purposes. The purposes of this section are to ensure that dry cleaning operations which are located in commercial zones are limited to retail service, do not become industrial operations, and do not become hazardous.

B. Limitations. The following requirements shall apply to retail cleaning establishments located in any commercial zone:

1. A retail dry-cleaning establishment shall not conduct dry cleaning operations for any other facility or retail outlet.

2. All cleaning equipment shall utilize a synthetic solvent approved by the National Board of Fire Underwriters, the State Fire Marshal, and the Chief of the Buena Park Fire Department.

3. The type and structural qualities of the building where such establishment is located shall be inspected and approved by the City's Building Official.

4. There shall be not more than two clothes cleaning units in each such establishment, and each such unit shall have a rated capacity of not more than forty pounds.

19.552.030 Restaurants Serving Alcoholic Beverages.

A. Purpose. The purpose of this section is to distinguish bona fide restaurants which incidentally serve alcoholic beverages (and which may be permitted by conditional use permit in the more restrictive commercial zones) from establishments which are primarily cocktail lounges or bars.

B. Requirements.

1. Any restaurant which serves alcoholic beverages and is located in a zone which does not permit cocktail lounges or bars, shall provide such alcoholic beverage service only as an incidental activity to the primary activity of food service.

2. Each such restaurant shall keep records of food sales separate from records of alcoholic beverage sales and make such records available to City inspection personnel for the purpose of enforcing this section.

3. At least fifty percent of the indoor and outdoor area provided for the service of customers shall be arranged and equipped with tables and chairs and/or table-height counters for dining use. Any bar or lounge areas for the separate service of alcoholic beverages shall be separated from dining areas by partitions or fixed screens.

19.552.040 Game Machine Arcades.

A. Findings and Purposes.

1. It is found that game machine arcades create special problems of noise, congestion, interference with nearby activities, and policing.

2. The purposes of this section are to control the location, size, and operation of game machine arcades in order to minimize adverse effects and promote compatibility with surrounding activities to the maximum extent possible.

- B. Definitions.** The following words shall have the following meanings:
1. "Amusement device" means any machine, game, or device which may be played or operated by the public for amusement or recreation, the use of which is subject to the payment of a fee or is controlled by placing therein coins, slugs, discs, keys, or similar devices. This definition includes video games, pinball machines, skiball games, shuffleboard games, and games and devices of a similar nature. This definition does not include jukeboxes, vending machines, and similar devices which do not involve an element of skill or chance.
 2. "Game machine arcade" means an establishment where the predominant activity is the use of amusement devices, or that portion of any other establishment where four or more amusement devices are available to the public.
- C. Location and Use Approval**
1. Game machine arcades shall be permitted only by conditional use permit and only in those zones specified for game machine arcades in Section 19.512.010.
 2. A game machine arcade shall not be permitted in a location which would tend to produce a hazard or nuisance to other permitted uses and activities in the vicinity.
 3. A game machine arcade shall be located at least six hundred feet from any school, adult business, or another game machine arcade, and at least three hundred feet from any residential zone, cocktail lounge, or bar.
- D. Design and Operation.** A game machine arcade shall be arranged in such a manner that all amusement devices and public spaces can be viewed from a single supervisory or cashier station. A responsible adult employee of the establishment shall be on duty throughout the hours that such establishment is open.

19.552.050 Automobile Service Stations.

- A. Findings and Purposes.**
1. It is found that automobile service stations create special problems of traffic friction, congestion, and hazard, especially at street intersections, and that such stations differ significantly from other uses permitted in commercial zones, thus requiring special controls on location, siting, and development.
 2. The purpose of this section is to minimize the adverse effects of service stations while enabling the provision of reasonably convenient automobile service and promoting compatibility with surrounding activities.
- B. Permitted Uses.** The primary activity at an automobile service station shall be the dispensing of motor vehicle fuel. In addition, the following incidental activities are permitted:
1. The supply of water and pressurized air,
 2. Hand washing, waxing, and polishing of motor vehicles not occupying an area of more than five hundred square feet;
 3. Sale of motor vehicle accessories;
 4. Minor repair and service of motor vehicles limited: to lubrication, changing of oil and transmission fluid, replacement of wiper blades, fuses, lamps, filters, batteries, and other minor accessories, repair of minor accessories, brakes and water pumps, minor electrical repairs, patching, changing and mounting of tires, wheel alignment, battery charging, tune-up, and similar repairs and services, and
 5. Public restrooms.
- C. Location.** A service station shall have frontage on a highway, shall be at least three hundred feet from any school, park, public playground, or similar use, and shall be at least five hundred feet from any other service station on the same side of a street except at an intersection of two highways where a maximum of two stations may be permitted on the corners of such intersection.
- D. Site Requirements.** A service station site shall be at least one hundred fifty feet by one hundred fifty feet or the minimum required for the zone in which located, whichever is greater. The site shall have a frontage of at least one hundred fifty feet on a highway. A

Division 5
Commercial / Industrial Zones
- Buena Park Zoning Ordinance -

service station may be modified or rebuilt on an existing service station lot with site dimensions less than required in this section provided that all other development standards of subsection E of this section and other applicable sections of this Division shall be satisfied.

E. Development Standards.

1. All activities shall be conducted within buildings except dispensing of fuel, oil, water and air, replacement of minor accessories and parts, changing of tires, attachment and detachment of trailers, and hand washing, waxing, and polishing.

2. **Setbacks.** Notwithstanding the applicable setback regulations, canopies over pump islands, whether attached to a building or not, may extend to within ten feet of street property lines.

3. **Landscaping.** In addition to all development standards of the zone in which located, a landscaped buffer strip five feet wide shall be provided along all interior lot lines except where such area is occupied by buildings or driveways.

4. **Service Bays.** Service bays shall be located and designed pursuant to the requirements of Section 19.536.090.

5. **Restrooms.** Public restrooms shall be provided, marked with identification signs, and their entrances either screened from direct view or located inside a building.

6. **Driveways.** Driveways at the point of crossing a street property line shall be located as follows:

a. Not less than thirty feet from the point of intersection of the ultimate right-of-way lines at the nearest street intersection; except, where the station is located in an integrated development, the distance shall be at least ninety feet,

b. Not less than five feet from any curb return,

c. Not less than twenty-five feet from any other driveway,

d. Not less than five feet from a side property line.

7. **Outdoor Storage and Display.**

a. There shall be no outdoor storage for longer than twenty-four hours of any vehicle awaiting service.

b. There shall be no outdoor storage or display of merchandise or equipment except, in the industrial zones only, up to ten utility trailers or two-axle trucks for rent may be stored outdoors if screened from public view and not occupying driveways and required parking areas.

8. **Trash.** Each service station shall have a trash area at least eighty-four square feet in area and meeting the standards of Section 19.524.010.

9. **Signs.** Notwithstanding the sign requirements of Division 9 for sign regulations, the following signage shall be permitted for a service station use.

a. **Sign Area.** Each service station use shall be permitted a total allowable sign area of 300 sq. ft.

b. **Ground Signs.** There shall be not more than one ground sign for each service station lot.

c. **Wall Signs.** There shall be not more than one wall sign and one logo sign for each building frontage facing a street.

d. Additional monument signs, wall signs, and sign area may be authorized under a conditional use permit pursuant to Section 19.128.020 for the purpose of posting fuel prices as required by the State or for identifying multiple uses such as markets or car washes permitted on the site.

F. Environmental Effects. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness, and shall comply with the requirements of Title 8.

G. Abandonment. Whenever an automobile service station has not been in use for more than one hundred eighty consecutive days, the use shall be considered to have been abandoned. Within six months after abandonment, all structures and facilities on the site above and below ground shall be removed and the surface of the site restored and neatly graded, unless a conditional use permit is approved for reuse of the site. Such conditional use

permit shall require such site improvements and modifications of existing facilities as are deemed appropriate for the new use.

19.552.060 Carwashes.

A. Findings and Purposes.

1. It is found that mechanical carwashes create special problems of traffic friction, congestion, hazard, noise, and appearance, and that such stations differ significantly from other uses permitted in commercial zones, thus requiring special controls on location, siting, and development in order to achieve compatibility with surrounding uses.

2. The purpose of this section is to minimize the adverse effects of carwashes and promote compatibility with surrounding activities.

B. Permitted Uses. To the extent not further restricted by the terms of a conditional use permit, the primary activity at a mechanical carwash shall be the washing of motor vehicles, including cleaning, vacuuming, drying, waxing, and polishing. Incidental activities may include those activities permitted at automobile service stations by subsection B of Section 19.552.050.

C. Location. A mechanical carwash shall be located so as not to be a hazard or nuisance to nearby uses, to not create traffic congestion or hazards, and to avoid conflict with pedestrian-oriented uses.

D. Site Requirements.

1. The minimum lot area for a mechanical carwash shall be twenty thousand square feet.

2. The site of a mechanical carwash shall have a street frontage of least one hundred fifty feet; except, for a self-service carwash, street frontage shall be at least one hundred feet.

E. Development Standards.

1. The architectural design of a mechanical carwash shall be compatible with surrounding uses and the character of the area.

2. All washing and all automated operations shall be within a building. The vehicular entrances and exits of such buildings shall not face a street, except provided for in Section 19.536.090.

3. All activities of the types permitted at automobile service stations shall comply with the requirements for such stations as provided in Section 19.552.050.

4. **Restrooms.** At mechanical carwashes, other than self-service carwashes, public restrooms shall be provided, marked with identification signs, and their entrances either screened from direct view or located inside a building.

5. **Driveways.** Driveways at the point of crossing a street property line shall be located not less than one hundred ten feet from the point of intersection of the ultimate right-of-way lines at the nearest street intersection.

6. Outdoor Storage and Display.

a. There shall be no outdoor storage for longer than twenty-four hours of any vehicle awaiting service.

b. There shall be no outdoor storage or display of merchandise or equipment.

7. **Landscaping.** At least ten percent of the total site area shall be landscaped. Landscaping shall be located primarily along site boundaries, including street frontages, and include trees. Submission and approval of a landscaping plan shall be a condition of the conditional use permit.

8. **Parking.** The minimum number of parking and waiting spaces to be provided shall be as shown in Table 19.552.060.

9. Submission and approval of a plan for the pattern of access and circulation shall be a condition of the conditional use permit.

F. Environmental Effects. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness, and shall comply with the requirements of Title 8.

G. Abandonment. Whenever a mechanical carwash has not been in use for more than one hundred eighty days, the use shall be considered to have been abandoned. Within six months after abandonment, all structures and facilities on the site above and below ground shall be removed and the surface of the site restored and neatly graded, unless a conditional use permit is approved for reuse of the site. Such conditional use permit shall require such site improvements and modifications of existing facilities as are deemed appropriate for the new use.

Table 19.552.060

REQUIRED PARKING AND WAITING SPACES FOR MECHANICAL CARWASHES			
	Parking	Waiting Ahead of Each Wash Line	Waiting After Each Wash Line
Full-Service	10	30	10
Drive-through	5	3	2
Self-Service	0	1	1

19.552.070 Commercial Establishments with Drive-in, Drive-through, and Walk-up Window Service.

A. Findings and Purposes.

1. It is found that drive-in, drive-through, and walk-up window service establishments create special problems of traffic friction, congestion, hazard, noise, littering and appearance, and that such establishments differ significantly from other uses permitted in commercial zones, thus requiring special controls on location, siting, development, and operation in order to achieve compatibility with surrounding uses.

2. The purpose of this section is to minimize the adverse effects of drive-in, drive-through, and walk-up window service establishments and promote compatibility with surrounding uses and activities.

B. Location. Drive-in, drive-through, and window service establishments shall be located only on lots having street frontage on a highway. Such establishments shall be located so as not to be a hazard or nuisance to nearby uses, to not create traffic congestion or hazard, and to avoid conflict with pedestrian oriented uses.

C. Site Requirements.

1. The minimum lot size for a drive-in, drive-through, or walk-up window service establishments shall be at least one hundred fifty feet by one hundred fifty feet or as required for the zone in which located, whichever is greater.

2. Each such establishment shall have a street frontage of at least one hundred fifty feet on a highway.

D. Development Standards.

1. The architectural design of any drive-in, drive-through, or walk-up window service establishment shall be compatible with surrounding uses and the character of the area.

2. **Landscaping.** The site of any drive-in, drive-through, or walk-up window service establishment shall be landscaped in a manner which enhances compatibility with the surrounding area. Trees of fifteen gallon minimum size shall be included. Any fences parallel to the street frontage shall be located to the rear of the required landscaping in the front yard area. Submission and approval of a landscaping plan shall be a condition of the conditional use permit.

3. **Driveways.** Driveways at the point of crossing a street property line shall be located not less than one hundred ten feet from the point of intersection of the ultimate right-of-way lines at the nearest street intersection.

E. Environmental Effects. The site of any drive-in, drive-through, or walk-up window service establishment shall be maintained neat and clean at all times. Litter on the site and any litter scattered to nearby property, streets, and walkways shall be removed at least daily. Paved surfaces on the site shall be washed at least weekly.

19.552.080 Recycling Centers.

A. Purpose. It is the purpose of this section to provide regulations and standards which pertain to the review, construction, and operation of recycling facilities within the City. The placement, construction, or operation of any recycling facility, as defined in this section, is prohibited without first obtaining a permit pursuant to the provisions set forth in this section.

B. Definitions.

1. "Convenience zone" means that area within a one-half mile radius of a supermarket as designated by the California Department of Conservation pursuant to the terms of the California Beverage Container Recycling and Litter Reduction Act (California Public Resources Code Sections 14500, et seq.).

2. "Recyclable material" means reusable material, including, but not limited to, metal, glass, plastic, and paper.

3. "Recycling facility" means a structure for the collection of recyclable materials, certified as a recycling facility by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act. Recycling facilities include the following:

a. **Reverse Vending Machine.** A "reverse vending machine" means one or more automated mechanical devices, which occupy a space no larger than three hundred forty-two square feet, and which are made for the collection of one or more recyclable materials in return for a cash refund or redeemable credit slip with a value not less than the redemption value as determined by the California Department of Conservation.

b. **Mobile Recycling Unit.** A "mobile recycling unit" means and shall be a kiosk, bin, or portable container, occupying a space less than three hundred forty-two square feet, which is made for the collection and redemption of recyclable materials and which is operated by an attendant during hours of operation. A mobile recycling unit may include certain permanent structures associated with the mobile recycling unit as provided in this section.

C. Development Standards. The placement, construction, and operation of recycling facilities shall be subject to the following development standards:

1. Recycling facilities shall be established in conjunction with an existing commercial use which is in compliance with the zoning, building, and fire codes of the City of Buena Park and is located within a convenience zone in an area zoned for commercial or industrial uses.

Division 5
Commercial / Industrial Zones
- Buena Park Zoning Ordinance -

2. Recycling facilities shall be conveniently accessible to pedestrians and vehicles and shall be designed to include safety provisions for separating pedestrian and vehicular traffic (i.e., special walkways, drive aisles, bollards, safety lighting, etc.).
3. Recycling facilities or any associated screening shall be designed in a manner consistent with the architectural and site plan of the associated commercial use, including, but not limited to, color and landscaping.
4. Recycling facilities shall be maintained in good repair and the area immediately surrounding the recycling facility shall be maintained in a litter-free condition. All storage of recyclable materials shall be within the recycling facility or related enclosed structure.
5. **Hours of Operation.** Recycling facilities which are operated by an on-site attendant and located within one hundred feet of a property zoned or occupied for residential uses shall operate only during the hours of nine a.m. to seven p.m.
6. **Location.**
 - a. A reverse vending machine which occupies an area less than fifty square feet may be placed under the building canopy adjacent to the business which sells beverages in redeemable containers. Reverse vending machines which occupy more than fifty square feet, but less than three hundred forty-two square feet, shall be placed within the parking area or other approved location of the associated commercial use.
 - b. Recycling facilities not located under the building canopy shall be set back at least fifty feet from any property line abutting a public street, as measured from the curb face.
7. **Landscaping.** Recycling facilities which are not located under the building canopy of the associated commercial use or within a landscaped area of the associated commercial use shall be designed with a landscape planter at least three feet in width (inside dimension) along the sides and rear of the recycling facility.
8. **Restrooms.** Recycling facilities which are operated by an on-site attendant shall be provided access to the facilities of the associated commercial use (i.e., restroom, drinking fountains, etc.).
9. **Signs.** Signage required for recycling facilities shall be limited to a maximum sign area of twenty square feet. All signs shall be integrated with the design of signage for the associated commercial use. A sign permit shall be obtained from the City Planning Division prior to installation of any signage.

D. Action of the City.

1. The Director of Development Services or his designee shall approve an application for a recycling facility provided that the application complies with each of the following requirements:
 - a. The recycling facility is certified, or has applied to be certified, as a recycling location pursuant to the California Beverage Container Recycling and Litter Reduction Act;
 - b. The operator of the recycling facility has presented a written authorization from the property owner where the proposed recycling facilities are to be located; and
 - c. The recycling facility complies with all of the development standards as set forth in this section.
2. The Director of Development Services shall provide written notification to the Planning Commission of the City of Buena Park of the action taken.
3. The Director's decision shall be final unless appealed to the Planning Commission in accordance with the provisions of this title.
4. Notwithstanding the foregoing, the Director (or Planning Commission or City Council, if on appeal) may deny an application for a recycling facility if it is specifically found that the operation of the recycling facility will have a detrimental effect on the public health, safety, or general welfare. In the case of any such denial, the Director

shall support the action with specific written findings of facts based on substantial evidence.

E. Automatic Revocation. Any permit granted pursuant to the terms of this section shall be deemed automatically revoked if the operator's recycling certificate is revoked or suspended by the California Department of Conservation pursuant to the terms of the California Beverage Container Recycling and Litter Reduction Act. (Ord. 1233 § 7,1989)

19.552.090 Adult Entertainment Businesses.

A. Purposes and Findings. It is the intent of these regulations to prevent problems of blight and deterioration which can be brought about by the concentration of adult entertainment businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, public parks, and residentially zoned districts. Recent studies prepared by other jurisdictions with respect to the establishment of such adult-oriented businesses have demonstrated that a number of detrimental social and economic effects are produced to those persons and properties immediately surrounding established adult-oriented businesses. Moreover, recent opinions of the United States Supreme Court have upheld local regulations of such adult-oriented businesses when regulations are predicated upon the fact that establishment of such businesses disrupt the social and economic welfare of those areas immediately adjacent to such businesses and, therefore, disbursement of such businesses from churches, schools, parks, and residences is necessary and appropriate for the preservation of the public health, safety, and welfare.

1. Prior to the adoption of this Ordinance, this Council has had available and reviewed detailed studies prepared by other jurisdictions with respect to the detrimental social and economic effects produced to those persons and properties immediately surrounding established adult-oriented businesses. These studies included those prepared by the Cities of Indianapolis, Indiana; Phoenix, Arizona; Los Angeles, California; and, Austin, Texas. The consensus of these studies tend to demonstrate that the crime rate in areas surrounding even one adult-oriented business tends to escalate (particular as to sex-related crimes) and that property values in such areas tend to show a marked decrease. This is particularly true given a close proximity to residential areas. The general summary is that it is reasonable and prudent that local jurisdictions exercise zoning power to regulate the location of adult-oriented businesses to operate in areas of the community that, while accessible to their patrons, are located in districts that are least likely to injure the general welfare of residents. Based upon the findings and conclusions set forth in said studies, this Council hereby finds as follows:

- a.** Areas within close walking distance of single and multiple family dwellings should be free of adult-oriented businesses;
- b.** Areas where children could be expected to walk, patronize or recreate should be free of adult-oriented businesses;
- c.** Adult-oriented businesses should be located in areas of the City which are not in close proximity to residential uses, churches, parks, and other public facilities and schools;
- d.** The image of the City of Buena Park as a pleasant and attractive place to reside will be adversely effected by the presence of adult-oriented businesses in close proximity to residential land uses, churches, parks, and schools;
- e.** Regulation of adult-oriented businesses should be developed to prevent deterioration and/or degradation of the vitality of the City before the problem exists, rather than in response to an existing problem;
- f.** The Buena Park Redevelopment Agency has instituted a number of specific redevelopment projects for the purpose of upgrading existing deteriorated and "blighted" economic and social conditions in and around such project areas. The presence of adult-oriented businesses in and around such existing project areas would defeat the purpose of such redevelopment projects.

- g.** Commercial areas of the City patronized by young people and children should be free of adult-oriented businesses;
 - h.** Areas where students are walking to and from school should be free of adult-oriented businesses so not to be subjected to confrontation with the existence of such businesses;
 - i.** Adult-oriented businesses should be regulated by zoning to separate them from other dissimilar uses just as any other land use should be separated from uses with characteristics different from itself;
 - j.** The location of adult-oriented businesses in proximity to residential uses, churches, park, and schools may lead to increased levels of criminal activities, including prostitution, rape, incest, and assaults in the vicinity of such adult-oriented businesses;
 - k.** The experience in numerous other cities has shown that the location of adult-oriented businesses tends to degrade the quality of areas in which they are located and cause a blighting effect upon the City;
 - l.** Location of adult-oriented businesses in close proximity to residential uses, churches, parks and schools will reduce retail trade to commercial uses in the vicinity, thus reducing property values and tax revenues to the City. Such adverse effects on property values will cause the loss of some commercial establishments followed by a blighting effect upon the commercial districts within the City, leading to deterioration of the commercial/economic quality of the City;
 - m.** Location of adult-oriented businesses within walking distances of churches and other religious facilities will have an adverse effect upon the ministry of such churches and will discourage attendance at such churches by the proximity of such adult-oriented businesses;
 - n.** A reasonable regulation of the location of adult-oriented businesses will provide for the protection of the image of the City of Buena Park and its property values, and protect the residents of the community from the adverse effects of such adult-oriented businesses, while providing to those who desire to patronize adult-oriented businesses an opportunity in areas within the City which are appropriate for location of adult-oriented businesses;
 - o.** The initial location of adult-oriented businesses will lead to the location of additional and similar uses within the same vicinity, thus multiplying the adverse impacts of the location of adult-oriented businesses upon residential uses, churches, parks, and schools and directly cause adverse impacts upon the image and quality of the character of the entire community; and,
 - p.** The above-referenced findings and conclusions can be feasibly promoted and/or achieved by adoption of this Ordinance.
- 2.** The Development Services Department of the City of Buena Park has conducted and completed a study of properties within the City of Buena Park as they will relate to the development propensities and characteristics of adult-oriented businesses; the result of such study to evaluate and recommend reasonable, prudent, and thorough regulations concerning the location and operation of adult-oriented businesses in those areas of the community that, while accessible to their patrons, best promote the goals, findings, and policies set forth in subparagraph (1), above. Prior to the adoption of this Ordinance, this Council has reviewed the findings and data contained in such study (entitled "Land Use Planning Study, December 1992") which study is incorporated herein by reference.
- 3.** It is, therefore, the purpose of these regulations to establish reasonable and uniform regulations to prevent the concentration of adult establishments or their close proximity to incompatible uses, while permitting the location of adult businesses in certain areas.

B. Definitions. The following words shall have the following meanings:

1. It is the intent of this Section that the definitions set forth in the Buena Park Zoning Ordinance shall apply but only where they do not conflict with any definition set forth in this Section.

2. Establishment of an Adult Entertainment Business. As used herein, to "establish" an adult entertainment business shall mean and include any of the following:

a. The opening or commencement of operation of any such business as a new business.

b. The conversion of any existing business, whether or not an adult entertainment business, to any adult entertainment business as described herein.

c. The addition of any adult entertainment business as defined herein to any existing adult entertainment business if the addition results in enlargement of the place of business. For purposes of this paragraph, enlargement shall mean an increase in the size of the building within which the business is conducted by either construction or use of an adjacent building or any portion thereof, whether located on the same or an adjacent lot or parcel of land.

3. Specified Anatomical Areas. As used herein, "specified anatomical areas" shall mean and include any of the following:

a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the tops of the areole; or

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

4. Specified Sexual Activities. As used herein, "specified sexual activities" shall mean and include any of the following:

a. The fondling or other erotic touching, actual or simulated, of human genitals, pubic region, buttock, or female breast;

b. Sex acts, actual or simulated, including acts of sexual intercourse, oral copulation, sodomy, or bestiality; or

c. Masturbation, actual or simulated; or

d. Excretory functions as part of or in connection with any of the activities set forth in "a" through "c" above.

5. Adult Entertainment Establishment. An adult entertainment establishment is any place of business in which one or more of the following activities are conducted:

a. Adult Book Store. A commercial establishment which, as a regular and substantial part of its business, devotes inventory or product lines or display, shelf, rack, table, stand, or floor area used for the display and sale of the following:

i. Books, magazines, periodicals, or other printed matter, of photographs, films, motion pictures, video cassettes, slides, tapes, records, or other form of visual or audio representation which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; and/or

ii. Instruments, artificial devices or paraphernalia which are designed for use in connection with "specified sexual activities." The term "product line" refers to items which are all identical, such as numerous copies of the same book or periodical.

b. Adult Motion Picture Establishment. Shall mean a commercial establishment with a capacity of more than 50 persons, used for the presentation, exhibition or display of films, motion pictures, video cassettes, slides, or similar photographic reproductions projected on a screen, which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas." For purposes of

this subsection and subsections c, d, e, f, g, h and i, "substantial portion of the total presentation time" shall mean a regular and substantial course of conduct.

c. Adult Mini-Motion Picture Theater. Shall mean a commercial establishment with a capacity of more than 5 but less than 50 persons, used for the presentation, exhibition or display of films, motion pictures, video cassettes, slides, or similar photographs reproductions projected on a screen, and in which a substantial portion of the presentation time is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."

d. Adult Motion Picture Arcade. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, in which a substantial portion of the total presentation time of the images so displayed are distinguished or characterized by an emphasis on depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas."

e. Adult Drive-In Theater. An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions, for any form of consideration to persons in motor vehicles or on outdoor seats, in which a substantial portion of the total presentation time of the material being presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons.

f. Adult Cabaret. A nightclub, bar, restaurant, or similar establishment during which a substantial portion of the total presentation time features live performances which are distinguished or characterized by an emphasis on "Specified Sexual Activities" or by exposure of "Specified Anatomical Areas" and/or feature films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons.

g. Adult Motel or Hotel. A hotel or motel or similar commercial establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions, a substantial portion of the total presentation time of which is distinguished or characterized by an emphasis upon the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons.

h. Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment either indoor or outdoor in nature which, for any form of consideration, regularly features live performances, a substantial portion of the total presentation time of which is distinguished or characterized by an emphasis on "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons.

i. Adult Model Studio. Any establishment open to the public where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons, other than the proprietor, paying such consideration or gratuity. This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation, or institution which meets the requirements established

in the Education Code of the State of California for the issuance of conferring of, and is in fact authorized thereunder to issue and confer, a diploma.

j. Sexual Encounter Establishment. A commercial establishment, other than a hotel, motel, or similar establishment offering public accommodations which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with "Specified Sexual Activities" or the exposure of "Specified Anatomical Areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of California is engaged in sexual therapy.

k. Body Painting Studio. Any establishment or business which provides the service of applying paint or other substance whether transparent or non-transparent to or on the human body when such body is wholly or partially nude in terms of "Specified Anatomical Areas."

l. Other Adult Entertainment Businesses. Any other business or commercial establishment not herein defined:

i. Wherein for any form of consideration the establishment provides entertainment to patrons in which a substantial portion of the total presentation time is characterized by an emphasis on depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas"; or

ii. Which devotes more than 50 percent of the total area used for display of its stock in trade to items, instruments, and paraphernalia which are characterized by an emphasis on depicting, describing, or relating to "Specified Sexual Activities."

C. Zones for Adult Entertainment Establishments - Development Standards.

Adult entertainment establishments are permitted only in those areas of the City as set forth herein. The development standards applicable to the establishment of an adult entertainment business shall be as set forth in the Buena Park Zoning Ordinance for a zone and use most comparable to the proposed adult entertainment business, as determined by the Director.

D. Minimum Proximity Requirements. No adult entertainment establishment shall be established within specified distances of certain specified land uses or areas as set forth below :

1. No such establishment shall be established within 300 feet of any school, church, park, hospital, public operated facility, or residentially zoned property.
2. No such establishment shall be established within 1000 feet of any other adult entertainment establishment.
3. No such establishment shall be established on properties with a zoning designation of AR, OS, and MR.
4. No such establishment shall be established on properties located within 500 ft. of the Beach Boulevard right of way.
5. No such establishment shall be established on properties located within 300 ft. of the Knott Ave. right of way between the 91, Artesia/Riverside Freeway and Melrose Ave.
6. No such establishment shall be established on properties located south of the 91, Artesia/Riverside Freeway.
7. No such establishment shall be established on any and all properties located within the " Superblock " or " Manchester/Artesia " redevelopment project areas or properties located within 300 ft. therefrom.

E. Measurement of Distance Between Uses. The distance between any two adult entertainment establishment shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any adult entertainment establishment and any school, public park, or residential zone, etc.

shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment business to the closest property line of the school, public park, or residential zone.

F. Closed Viewing Areas. No adult use or adult entertainment business shall maintain closed areas, booths, cubicles, rooms, or other areas within its place of business that are used, designed, or furnished for private sexual activity. No nudity or sexual activities by customers shall be allowed on the premises. All portions of the premises shall be available by access and visual inspection at all times by any City inspectors standing at the front door (not to include existing and approved restroom facilities.)

G. Adult Entertainment Zoning Permit Required. It shall be unlawful to establish or operate, or cause or permit to be operated, any adult entertainment establishment without first obtaining an adult entertainment zoning permit from the Director.

H. Permit Application.

1. Any person, association, partnership, corporation, or other entity desiring to obtain an adult entertainment zoning permit shall file an application with the Director on a form provided by the Director. The application shall be accompanied by a non-refundable application processing fee in the amount established by City Council resolution.

2. The application for a permit shall contain the following information:

a. The name, address, and telephone number of the applicant. If the applicant is a corporation, the applicant shall set forth the name of the corporation exactly as shown in its article of incorporation, the date and place of incorporation, the names and addresses of the officers, directors, and each stockholder owning more than 10% of the stock of the corporation. If the applicant is a partnership, the applicant shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provision of this section pertaining to a corporate applicant shall apply. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer.

b. Name, address, and telephone number of the person who shall manage and operate the establishment for which the permit is requested. The name and address of a person authorized to accept service of legal notices.

c. The proposed business name of the adult entertainment establishment and description of the type of adult establishment.

d. Street address of the proposed adult entertainment establishment and the parcel number for the property.

e. A plot plan for the property depicting the location of the building housing the adult entertainment establishment on the property.

f. If the adult entertainment establishment was in existence as of the effective date of these regulations the date the establishment first commenced operation.

g. Any other information reasonably necessary to accomplish the purposes of these regulations.

3. **Referral to Other City Departments.** The Director may refer the application to other City departments to determine whether the premises where the adult entertainment establishment is located, or will be located, complies with the City's building, health, zoning, and fire ordinances or other applicable ordinances or laws. City departments may conduct an inspection of the premises to determine compliance with the ordinances and laws they administer.

4. **Action on Application.** The Director shall determine whether to grant or deny the permit within thirty (30) working days after receipt of a complete application.

I. Grounds for Permit Denial/Revocation.

1. The Director shall approve the permit unless he or she determines from a consideration of the application, City inspection of the premises or other pertinent information that:

Division 5
Commercial / Industrial Zones
- Buena Park Zoning Ordinance -

- a. That information contained in the application or supplemental information requested from the applicant is false in any material detail.
 - b. The proposed location of the adult entertainment business would not comply with the requirements of subsection C or D of this section.
 - c. The operation of the adult entertainment business is or would be in violation of one or more provisions of these regulations.
 - d. The premises where the adult entertainment business is or will be located does not comply with all applicable laws, including, but not limited to the City's building, health, zoning, and fire ordinances.
 - e. That a permit to operate the adult entertainment establishment has been issued to the applicant, a partner of the applicant, or a stockholder or the applicant which stockholder owns more than 10% of the applicants' corporate stock, which permit has been suspended and the period of suspension has not yet ended.
2. Notice of permit denial shall be in writing and shall state the grounds therefore. Notice shall be personally served on the permit applicant or mailed to the address listed on the application form.
3. An adult entertainment permit may be suspended for up to one year or revoked for any of the reasons specified as grounds for permit denial in subsection (1) (a-e) above.
- J. Permit Conditions.** The Director may condition the issuance of an adult entertainment zoning permit by imposing reasonable conditions to insure compliance with these provisions and other sections of the Buena Park City Code.
- K. Sale or Transfer of Business.**
1. No permit issued pursuant to this Ordinance may be assigned or transferred without the prior written approval of the Director. The applicant shall apply for a transfer on a form provided by the Director, and shall pay a non-refundable application processing fee in the amount established by City Council resolution.
 2. Transfer of partnership or corporate ownership. An application for approval of a transfer of a permit shall be required prior to any change in an interest in a partnership or ownership of ten percent (10%) or more of the stock of a corporation to any person not listed on the application filed by said application.
 3. An application for transfer of a permit may be denied for any of the grounds specified for denial of an original permit application in subsection I of this section. Procedures for notice of denial of a transfer and appeal thereof shall be identical to those procedures for denial of a permit application specified in subsection I of this section.
- L. New Permit Required.** The permittee must apply for a new adult entertainment permit as follows:
1. Prior to any change in the location of the adult entertainment establishment.
 2. Prior to the conversion of any existing adult entertainment establishment to any other type of adult entertainment establishment as described herein.
 3. Prior to any change in the business name of the adult entertainment establishment.
- M. Display of Permit.** Each person to whom or for who a permit has been granted shall display said permit in a conspicuous place within the adult entertainment establishment so the same may be readily seen by persons entering the premises.

Division 6 Open Space Zones

Chapters:

- | | |
|---------------|--|
| 19.604 | Purpose and Description of Open Space Zones |
| 19.608 | Intensity of Use and Site Requirements |
| 19.612 | Uses |
| 19.616 | Development Standards - Buildings |
| 19.620 | Development Standards - Yards and Open Space |
| 19.624 | Development Standards - Outdoor Improvements |
| 19.628 | Development Standards - Fences, Walls, Hedges, and Berms |
| 19.632 | Development Standards - Landscaping |
| 19.636 | Development Standards - Vehicular Provisions |
| 19.640 | Development Standards - Transportation Demand Management Requirements for Specified New Development |
| 19.644 | Development Standards - Utilities and Mechanical Equipment |
| 19.648 | Development Standards - Environmental Effects |
| 19.652 | Development Standards - Special Requirements for Certain Uses |

Chapter 19.604 Purpose And Description of Open Space Zones

Sections:

19.604.010	Purpose and General Plan Consistency.
19.604.020	Description of Zones.

19.604.010 Purpose and General Plan Consistency.

The General Plan outlines goals and objectives, with regard to recreational land uses and development. The purpose of this Division is to implement those General Plan goals and objectives that relate to recreational land use as follow:

- A.** Provide and maintain adequate open space areas within the City which insure that conservation, safety, and recreational needs, both active and passive, are met.
- B.** Enhance the visual, economic, and environmental character of the community.

19.604.020 Description of Zones.

The following open space zones, with their general purpose as indicated, have been created to implement the goals, objectives, and land use designations of the General Plan.

A. OS, Open Space Zone. To provide for the preservation of open space areas, including transportation and utility right-of-way corridors, which contribute to the quality of the community environment by remaining open in character and not intensively used for residential, commercial, industrial or recreational activities.

B. OR, Recreational Open Space Zone. To provide for recreational activities located in or using substantial open space.

Division 6
Open Space Zones
- Buena Park Zoning Ordinance -

Intensity Of Use And Site
Requirements

Chapter 18.608

Section:
18.608.010 Site Dimensions

18.608.010 Site Dimensions.
The minimum setback for the OR zone shall be 25 feet from the lot line. There is no minimum lot
size for the OR zone.

Chapter 19.608 Intensity Of Use And Site Requirements

Sections:

19.608.010 Site Dimensions.

19.608.010 Site Dimensions.

The minimum size lot in the OR zone shall be 217,800 square feet. There is no minimum lot size in the OS zone.

Chapter 19.612 Uses

Sections:

19.612.010	Uses Permitted.
19.612.030	Interpretation of Uses Permitted.

19.612.010 Uses Permitted.

A. Land, buildings, and other facilities shall be designed, developed, and used only for those activities indicated for the various zones by Table 19.612.010, entitled Uses Permitted. The symbols shown in this table have the following meanings:

Symbol	Meaning
P	Automatically permitted use.
I	Incidental use—use permitted only if incidental to another primary use on the same site. If incidental to a use authorized by conditional use permit, such incidental use is permitted only if included within the terms of the conditional use permit.
C	Conditional use—use eligible for consideration under the conditional use procedure (Section 19.128.020) and permitted only if a conditional use permit is approved, subject to the specific conditions of such permit.
Ci	Incidental conditional use—use eligible for consideration under the conditional use procedure only if incidental to another primary use of the site, whether such primary use is automatically permitted or permitted by conditional use permit.
Pc	Automatically permitted use, except such use is subject to a conditional use permit when located within three hundred thirty feet of a residential zone.
Pc*	Automatically permitted use, except such use is subject to a conditional use permit when located within six hundred feet of a residential zone.
IC	Incidental or conditional use — automatically permitted as an incidental use, when the primary use is automatically permitted, or eligible for consideration as a primary use under the conditional use procedure.
T	Temporary use—permitted if approved in accordance with Title 19, Division 10.

B. Those uses listed as accessory uses in the uses permitted table are subject to the definition of accessory use in Section 19.104.080 as well as the meanings of the indicated symbols in the table.

Division 6
Open Space Zones
 - Buena Park Zoning Ordinance -

Table 19.612.010 - cont'd.

USES PERMITTED - OPEN SPACE ZONES		
Uses, cont'd.	Open Space Zones	
	OS	OR
Public Service Uses, cont'd.		
<u>Recreation Accessory Uses:</u> • Parking, self-operated. • Parking, concession. • Clubhouse, meeting room, game room, gymnasium, sauna, health center. • Restaurant, sale of food or refreshments, with no on-sale liquor. • With on-sale liquor. • Commercial uses, incidental to public recreational facilities: Pro shop, concession stand, etc. • Gazebo, information center, restrooms. • Greenhouse. • Aviary. • Maintenance facilities.	P C I C C	P C P C C C I P C C
<u>Natural Resource Development:</u> • Exploration and development.	C	C
<u>Utilities and Communications:</u> • Flood control channel and facilities, utility corridor. • Other public utility facilities or structures, including cellular telephone facilities. • Aviation navigational aids.	P C C	P C C
<u>Transportation:</u> • Parking lot.	C	C
<u>Other Public Services and Facilities:</u> • Non-City-owned public facilities.	C	P

Division 6
Open Space Zones
 - Buena Park Zoning Ordinance -

Table 19.612.010 - cont'd.

USES PERMITTED - OPEN SPACE ZONES		
Uses, cont'd.	Open Space Zones	
	OS	OR
Commercial Uses		
<u>Commercial Recreation :</u> (See also Public Service Use - Recreation) • Entertainment • Dancehall or other establishment with public dancing.		C C
Agricultural Uses		
• Horticultural production, plant nursery (no sales). • Horticultural production, plant nursery (with sales). (1)	P C	P
Temporary Uses		
• Temporary uses, as provided in Title 19, Division 10. • On-site construction facilities. (2) • On-site real estate sales office. (3)	T P P	T P P
Notes: 1 Special requirements apply. See Section 19.652.020. 2 Offices, storage, activities, and facilities directly pertaining to construction for a permitted use on the same site provided construction is not suspended for more than 30 consecutive days. 3 Temporary real estate sales office, only for sales or leasing of new subdivision and for not more than one year.		

19.612.030 Interpretation of Uses Permitted.

Further definition and enumeration of uses permitted in the various zones may be determined by interpretation in accordance with Section 19.128.010.

Zone		Interpretation of Uses Permitted
OS-1	Open Space	• Parks • Recreation • Open Space • Land Use
OS-2	Open Space	• Parks • Recreation • Open Space • Land Use
OS-3	Open Space	• Parks • Recreation • Open Space • Land Use
OS-4	Open Space	• Parks • Recreation • Open Space • Land Use
OS-5	Open Space	• Parks • Recreation • Open Space • Land Use
OS-6	Open Space	• Parks • Recreation • Open Space • Land Use
OS-7	Open Space	• Parks • Recreation • Open Space • Land Use
OS-8	Open Space	• Parks • Recreation • Open Space • Land Use
OS-9	Open Space	• Parks • Recreation • Open Space • Land Use
OS-10	Open Space	• Parks • Recreation • Open Space • Land Use
OS-11	Open Space	• Parks • Recreation • Open Space • Land Use
OS-12	Open Space	• Parks • Recreation • Open Space • Land Use
OS-13	Open Space	• Parks • Recreation • Open Space • Land Use
OS-14	Open Space	• Parks • Recreation • Open Space • Land Use
OS-15	Open Space	• Parks • Recreation • Open Space • Land Use
OS-16	Open Space	• Parks • Recreation • Open Space • Land Use
OS-17	Open Space	• Parks • Recreation • Open Space • Land Use
OS-18	Open Space	• Parks • Recreation • Open Space • Land Use
OS-19	Open Space	• Parks • Recreation • Open Space • Land Use
OS-20	Open Space	• Parks • Recreation • Open Space • Land Use

19.016.050 Space Between Buildings

- A. The minimum space between buildings shall be 5 feet.
- B. The minimum space between buildings shall be 10 feet for buildings with a height of 10 feet or less.
- C. The minimum space between buildings shall be 15 feet for buildings with a height of more than 10 feet.

Chapter 19.016 Development Standards

19.016.010 Building Height

- A. The maximum height of any building shall be 35 feet.
- B. The maximum height of any building shall be 40 feet for buildings with a height of 35 feet or less.
- C. The maximum height of any building shall be 45 feet for buildings with a height of 40 feet or less.

- D. The maximum height of any building shall be 50 feet for buildings with a height of 45 feet or less.
- E. The maximum height of any building shall be 55 feet for buildings with a height of 50 feet or less.
- F. The maximum height of any building shall be 60 feet for buildings with a height of 55 feet or less.

- G. The maximum height of any building shall be 65 feet for buildings with a height of 60 feet or less.
- H. The maximum height of any building shall be 70 feet for buildings with a height of 65 feet or less.
- I. The maximum height of any building shall be 75 feet for buildings with a height of 70 feet or less.

- J. The maximum height of any building shall be 80 feet for buildings with a height of 75 feet or less.
- K. The maximum height of any building shall be 85 feet for buildings with a height of 80 feet or less.
- L. The maximum height of any building shall be 90 feet for buildings with a height of 85 feet or less.

- M. The maximum height of any building shall be 95 feet for buildings with a height of 90 feet or less.
- N. The maximum height of any building shall be 100 feet for buildings with a height of 95 feet or less.
- O. The maximum height of any building shall be 105 feet for buildings with a height of 100 feet or less.

- P. The maximum height of any building shall be 110 feet for buildings with a height of 105 feet or less.
- Q. The maximum height of any building shall be 115 feet for buildings with a height of 110 feet or less.
- R. The maximum height of any building shall be 120 feet for buildings with a height of 115 feet or less.

Chapter 19.616 Development Standards - Buildings

Sections:

19.616.010	Buildings Required.
19.616.020	Building Type.
19.616.030	Building Materials.
19.616.040	Building Coverage.
19.616.050	Space between Buildings.
19.616.060	Height of Structures.

19.616.010 Buildings Required.

A. All activities and facilities, where permitted by other provisions of this Division, shall be enclosed within permanently constructed buildings.

B. Outdoor activities, storage, and display may be permitted in accordance with sections 19.612.010 and 19.624.030, and the regulations and limitations of Division 10, Title 19.

C. Where a use is permitted by conditional use permit, temporary use permit, or special permit (see Division 10, Title 19), outdoor activities and temporary facilities may be authorized by the terms of such permit notwithstanding the provisions of this section.

19.616.020 Building Type.

Every building shall be designed or remodeled to accommodate its use in accordance with applicable building codes and other laws. A residential building shall not be occupied by a nonresidential primary use.

19.616.030 Building Materials.

No building shall have a metallic exterior surface such as, but not limited to, galvanized, corrugated or interlocking metal sheets, unless the use of such metallic surface material is approved under the site plan review procedure (Section 19.128.040) for the purpose of enhancing the architectural quality of the building while preserving architectural harmony and compatibility with the surrounding area.

19.616.040 Building Coverage.

A. For the OR zone, the maximum building coverage of net lot area shall be 10%.

B. For the OS zone, the maximum building coverage of net lot area shall be 5%.

19.616.050 Space between Buildings.

- A. The minimum distance between buildings located on the same lot shall be 6 feet.
- B. **Permitted Building Projections.** The following building features may project a maximum 2.5' into the minimum required space between buildings:
1. Cantilevered eaves, awnings, and shading devices.
 2. Architectural features - sills, cornices, buttresses, etc.
 3. Mechanical equipment cantilevered from building.

19.616.060 Height of Structures.

A. The maximum height of any building or structure in the OS zone shall be 15 feet. In the OR zone, the maximum height of any building or structure more than 50 feet from any residential zone shall be 30 feet. Within 50 feet of any residential zone, the maximum height of any building or structure in the OR zone shall be 15 feet.

B. **Antennae.** Notwithstanding the restrictions of subsection A of this section, radio, television, microwave antennae, and similar equipment shall be subject to the following regulations:

1. Ground-mounted antennae which are incidental or accessory uses are permitted to a height of sixty feet, unless permitted higher by a conditional use permit.
2. Roof-mounted antennae, which shall include dishes to a maximum of twenty-four inches in diameter, may be used but may not be more than twenty-five feet higher than the highest point of the building to which they are attached, excluding chimneys and like projections, unless permitted higher by the issuance of a conditional use permit.
3. Any antenna that is primary to the use shall be subject to the height limit established under a conditional use permit.

Chapter 19.620 Development Standards - Yards and Open Space

Sections:

- | | |
|------------|-----------------------------|
| 19.620.010 | Future Rights-of-Way. |
| 19.620.020 | Front, Side and Rear Yards. |

19.620.010 Future Rights-of-Way.

A. This section is applicable only where a portion of a lot is within an area planned to be part of a future street, alley, or other public right-of-way as determined from an officially adopted plan, and the acquisition of such portion would not reduce the buildable lot width to less than forty feet.

B. In cases to which this section applies, the portions of any lot within any such future right-of-way area shall not be occupied by structures other than those encroachments allowed in future rights-of-way as provided in subsection C of this section. All other required setbacks, yards, and open areas shall be provided in addition to the future right-of-way areas, and the future right-of-way lines shall be considered to be lot lines for purposes of measuring such other setbacks, yards, and open areas.

C. Permitted Encroachments. The following encroachments are permitted within the future rights-of-way area:

1. Fences, walls, or hedges, not over 2' high.
2. Landscaping.
3. Access walkways and driveways.

19.620.020 Front, Side, and Rear Yards.

A. Each lot in the OR and OS zones shall have front, side, and rear yard setbacks not less than 25 feet.

B. Permitted Encroachments. The following encroachments are permitted within the required yards:

1. **Yard, abutting a Street.**
 - a. Building features, such as:
 - i. Cantilevered eaves, awnings, and shading devices. These features may be supported from the ground within the required yard to the extent permitted for encroachment of other architectural features under the next subsection.
 - ii. Architectural features, not more than 2.5' projection into required yard.
 - b. Signs, subject to sign regulations of Division 9.
 - c. Fences, walls, and hedges, not over 3.5' high with solid part not over 2' high.
 - d. Decorative pools, not over 18" deep.
 - e. Landscaping.
 - f. Access walkways and driveways.

2. Yard, abutting a residential zone.

- a.** Building features, such as:
 - i.** Cantilevered eaves, awnings, and shading devices, projecting not more than 2.5' into required yard.
 - ii.** Architectural features, projecting not more than 2.5' into required yard.
- b.** Free-standing mechanical equipment, subject to sight-screening and noise control provisions of code.
- c.** Above-ground utility-owned facilities, when otherwise permitted within utility easement.
- d.** Signs, subject to sign regulations of Division 9.
- e.** Swimming and Therapeutic pools, no closer than 5' from property line and if required fencing permits.
- f.** Decorative pools, not over 18" deep.
- g.** Access walkways.
- h.** Parking and driveways, subject to the minimum landscape buffer requirement of Section 19.632.010.

Chapter 19.624 Development Standards - Outdoor Improvements

Sections:

19.624.010	Trash Storage Facilities.
19.624.020	Outdoor Storage.
19.624.030	Outdoor Display.

19.624.010 Trash Storage Facilities.

A. All refuse shall be stored within trash containers which meet City standards. Except when temporarily placed for pickup, all such containers shall be located or screened so as not to be in public view.

B. Except for a temporary use, all non-residential uses in the open space zones shall provide a trash enclosure for the purpose of screening the trash container(s) from public view, maintaining any loose debris within the enclosure, providing a permanent location for the container(s) that will not encroach upon driveways, parking, pedestrian, and emergency access areas, and eliminating the accessibility of trash to the elements and animals. The trash enclosure shall conform to the following standards;

1. All required trash enclosures receiving the 3 cubic yard commercial bin(s) shall meet the requirements as shown in Illustration 19.624.010 (A) & (B).

2. Enclosures for larger than 3 cubic yard commercial bins shall be constructed of masonry block or concrete tilt-ups, designed to sight screen the bins, and to be architecturally compatible with other buildings on the site. Structural and architectural features shall be subject to approval of the Planning and Building Divisions. Maneuvering areas shall meet the minimum requirements of equivalent size loading area.

3. Enclosures for compactors located outside the building shall be constructed of masonry block, designed to sight screen the bins, and to be architecturally compatible with other buildings on the site. Structural and architectural features shall be subject to approval of the Planning and Building Divisions.

4 **Location.** Enclosures shall be located and arranged for ease of pick-up and shall not interfere with other activities on the site. Such location shall be subject to the approval of the Planning Division.

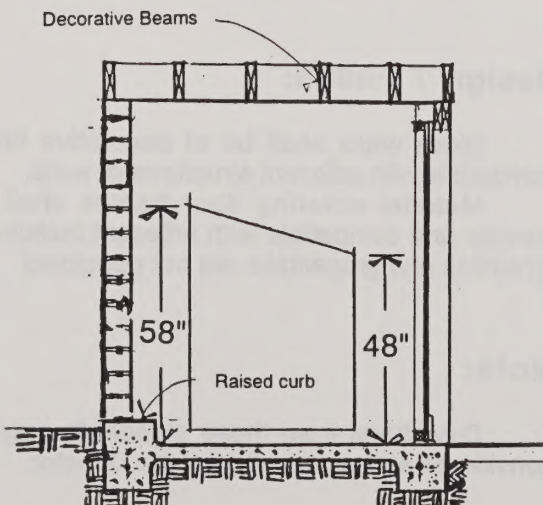
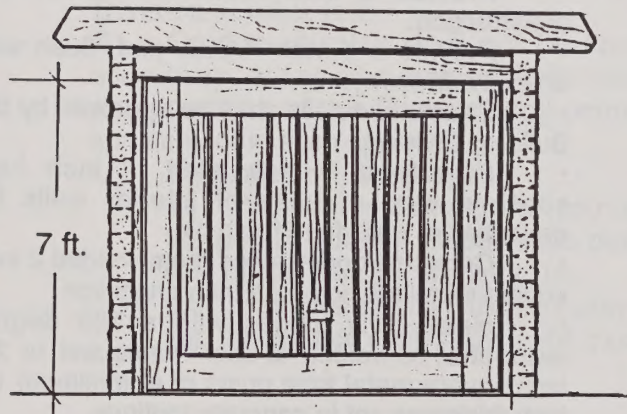
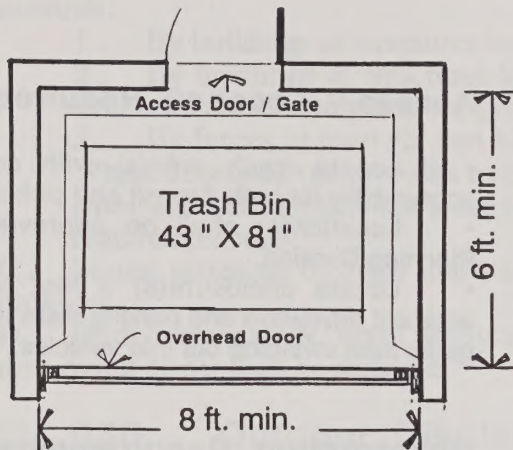
5 **Maintenance.** All trash enclosures and adjacent paving shall be maintained as a condition of the use.

C. Upon written acceptance from the franchised agent for trash disposal, the requirement for a trash enclosure may be waived by the Director for a trash compactor, provided that the the storage of the compactor and all trash shall be kept within the building and that the type and amount of trash will not create a public nuisance.

Illustration 19.624.010 (A)

Trash Enclosure Requirements for 3 cubic yard bin

Alternate A



Access / Location Requirements:

- Locate trash area(s) with convenient accessibility for both deposit and pick-up.
- Location(s) shall be approved by the Planning Division.
- Provide a side or rear access door/gate for multi-tenant uses.
- Provide a 7 foot high overhead door for trash pick-up service, with standard garage door hardware and construction.

Construction Requirements:

- Provide 6 inch reinforced block wall construction.
- Provide a 4 inch P.C.C. pad, flush with adjacent driveway.
- Structural details shall be approved by the Building Division.
- Provide a 6 inch wide, 8 inch high concrete curb at base of interior walls for protection of walls from trash bin.

Design / Finish:

- Block walls shall be of decorative finish compatible with adjacent structures or walls.
- Decorative beams or other appropriate screening material shall be provided across the open top to screen trash area from view from 2nd and 3rd stories.

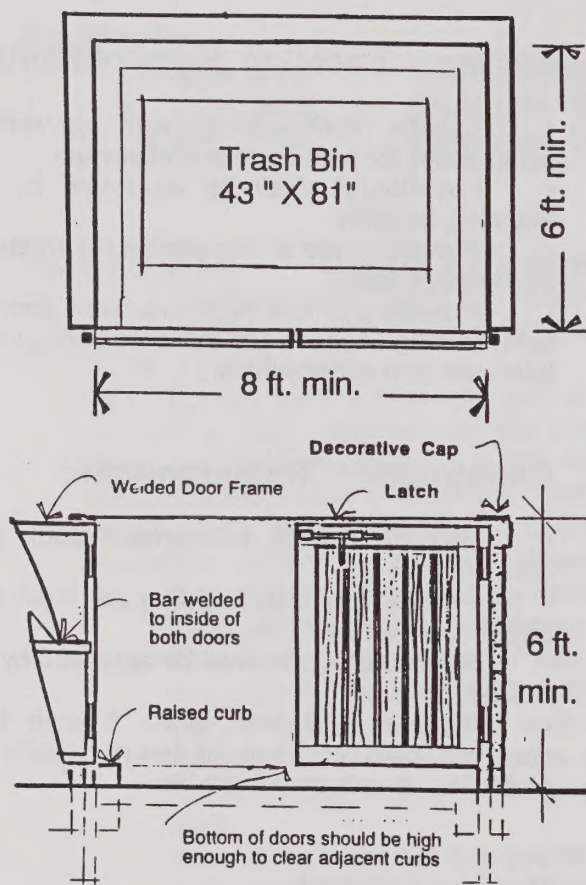
Note:

- Deviations from these standards may be considered at the discretion of the Director.

Illustration 19.624.010 (B)

Trash Enclosure Requirements for 3 cubic yard bin

Alternate B



Access / Location Requirements:

- Locate trash area(s) with convenient accessibility for both deposit and pick-up.
- Location(s) shall be approved by the Planning Division.
- Locate enclosure(s) 4 foot back from adjacent driveways and parking stalls to preclude gates from swinging out into vehicles.

Construction Requirements:

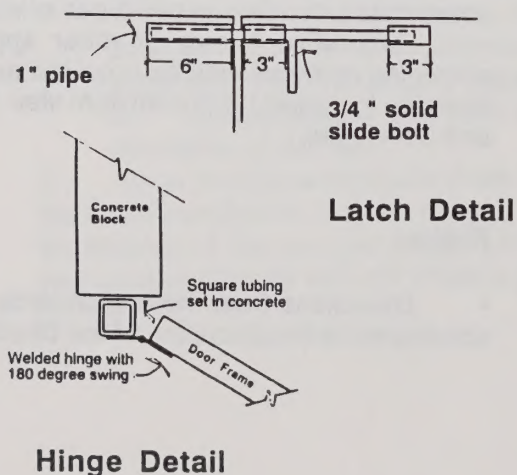
- Provide 6 inch reinforced block wall construction.
- Provide a 4 inch P.C.C. pad, flush with adjacent driveway.
- Structural details shall be approved by the Building Division.
- Provide a 6 inch wide, 8 inch high concrete curb at base of interior walls for protection of walls from trash bin.
- Construct door frames from welded 2 inch square metal tubing or 2.5 inch angle iron.
- Heavy-duty hinges with a 180 degree swing shall be welded to door frames and to 2.5 inch square metal tube posts of a minimum 1/4 inch thickness set in concrete footings.

Design / Finish:

- Block walls shall be of decorative finish compatible with adjacent structures or walls.
- Material covering door frames shall be durable and compatible with adjacent buildings. (chainlink and grapestake are not permitted)

Note:

- Deviations from these standards may be considered at the discretion of the Director.



19.624.020 Outdoor Storage.

A. Outdoor storage of materials, equipment, or other items is permitted only where allowed under Section 19.612.010, subject to all other limitations of this Division and other laws. Outdoor storage shall not be located in any required parking area, loading area, or accessway, in any front yard, in any area required to be landscaped, or in any area where a six-foot-high fence is not permitted.

B. Except as further provided in this section, all outdoor storage shall be screened from public view (as defined in Section 19.104.080); and, if located within three hundred thirty feet of a freeway or major highway, shall also be screened from view from such freeway or highway. Required screening shall be accomplished by one or more of the following methods:

1. By buildings or structures located on the same lot as the outdoor storage;
2. By buildings or structures located on abutting property where such buildings or structures immediately abut the property line;
3. By fences at least six feet high which meet the requirements of Chapter 19.628. Where access drives or walks enter such fenced outdoor storage areas, they shall have gates with substantially the same height, appearance, and screening effectiveness as the required fencing.

C. Stored materials or other items shall not be stacked higher than the sight-screening provided.

D. Plant nursery stock, when neatly arranged, need not be screened. All stored items other than living plants shall be screened.

19.624.030 Outdoor Display.

A. Outdoor display of materials, equipment, or other items shall be permitted only where indicated under Section 19.612.010 for permitted uses, subject to all other limitations of this Division or other law.

B. Outdoor display shall not be located in any required parking area, loading area, accessway, or any area required to be landscaped. Where site plans are approved pursuant to any provision of this Division, any permanent outdoor display area shall be shown thereon and subject to such approval.

C. Temporary Displays.

1. Notwithstanding the provisions of subsections A and B of this section, temporary outdoor displays are permitted when authorized as part of a special events sale under Title 19, Division 10;

2. Such temporary displays may be located upon required parking areas, walkways, and landscaped areas only to the extent permitted by the terms of the authorizing permit.

Chapter 19.628 Development Standards - Fences, Walls, Hedges, and Berms

Sections:

19.628.010	General Requirements.
19.628.020	Fence Height.
19.628.030	Fence Materials and Design.
19.628.040	View Protection--OR Zone.
19.628.050	Double Fences.

19.628.010 General Requirements.*

A. No fence shall be constructed within the commercial and industrial zones until the plans and design for such fence shall have been approved pursuant to the zoning compliance review procedure (Section 19.128.090). In addition, a fence may require a building permit from the Building Division.

B. All fences, whether required or not, shall be located and limited in accordance with provisions of this Division.

C. Fences are required under various provisions of this Division and other laws, including, but not limited to, the screening and protection of parking areas, storage areas, swimming and therapeutic pools, and utility facilities. Such required fences together with the facilities and activities required to be enclosed shall be located so as not to conflict with open space and yard setback requirements.

D. Conflict with State Law. In the case of fencing requirements pursuant to state law which unavoidably conflict with the requirements of this Division, the state requirements shall prevail.

*As defined in Section 19.104.080, the term "fence" as used in this Division means fence, freestanding wall, hedge, or berm unless otherwise specifically stated.

19.628.020 Fence height.

A. A maximum 2 foot high solid fence may be permitted anywhere on a lot.

B. A maximum 3.5 foot high fence which is not view-obscuring, such as wrought iron, may be permitted anywhere on a lot.

C. Elsewhere, a 15 foot maximum height fence may be permitted except within the required 25 foot front yard and the required 25 foot side or rear yard, abutting a street, measured from the street property line.

D. In all open space zones, fences more than seven feet in height shall be permitted only when approved under the site plan review procedure (Section 19.128.040) and subject to the terms of such approval.

E. The maximum height of any fence shall be fifteen feet except where a greater height is required for sight-screening or noise reduction.

19.628.030 Fence Materials and Design.

A. All fences in every zone, whether required or not, shall:

1. Utilize no salvaged materials unless reconditioned or refinished.
2. Be suitably finished on both sides.
3. Utilize colors and materials that are compatible with the property and neighborhood.
4. All fences shall be maintained in good repair and appearance.

B. Vision Clearance Area. Any fence within the required vision clearance area adjacent to any driveway or alley where it intersects with a public street, as defined under section 19.636.020, shall not be a view-obscuring fence.

C. Any masonry wall shall be of a minimum 6 inch wide block construction. In addition, the wall shall be of ornamental masonry in earthtone colors compatible with the structures on the property. Standard grey or pink block shall not be considered as ornamental masonry and may not be used except to match existing adjacent walls.

19.628.040 View Protection--OR Zone.

In the OR Zone, no fence shall obstruct the view of a golf course from any abutting residential property.

19.628.050 Double Fences.

A. Any parallel fences constructed with less than 3 ft. separation shall be considered double fences. It is the intent of the City to discourage double fences whenever possible in order to avoid areas in which children and animals may become lodged, areas which may encourage rodent infestation, and areas which may accumulate litter and debris.

B. In instances where double fences are unavoidable, the gap between the fences shall be completely sealed with flashing, cement cap, or other material in a manner acceptable to the Planning and Building Divisions.

C. Where a new fence is required along a property line and an existing fence or wall is located on the opposite side of the property line, the Director may suspend the requirement for the new fence provided that the existing fence can substantially satisfy all requirements of this Division and/or any conditions of an approval. Such suspension shall become null and void once the adjacent wall or fence is removed or found unacceptable by the Director and the requirement for the new fence shall be complied with at such time.

Chapter 19.632 Development Standards - Landscaping

Sections:

19.632.010	Where Required.
19.632.020	Plan Approval Required.
19.632.030	Landscape and Maintenance.
19.632.040	Irrigation System and Maintenance.

19.632.010 Where Required.

A. In all zones, all required yards which abut streets shall be permanently landscaped except for any portion of such yards occupied by permitted encroachments or, for a single family dwelling, located inside permitted fences at least six feet high.

B. Except for single-family uses (one detached single-family dwelling unit on a lot), all portions of a developed site not occupied by other permitted facilities shall be permanently landscaped.

C. Parking Lot Landscaping Improvements.

1. **Landscaped Buffers Along Streets.** Within the required setback areas, for parking pursuant to Section 19.620.020, one of the following, or a combination thereof, shall be provided except at driveway and walkway openings and as required for vision clearance by Section 19.636.020:

a. Ornamental masonry wall or hedge, two feet high, at the perimeter of the parking area facing a street,

b. Landscaped berm, ten feet wide and two feet high.

2. **Interior Landscaping.** Within the parking area of any parking lot with ten or more parking spaces, landscaping with trees and some combination of shrubs, vines and ground cover shall be provided pursuant to Section 19.636.070 (E.2). Such landscaping shall be reasonably distributed throughout the area in order to avoid a monotonous appearance and to enhance the visual attractiveness of the area, especially those portions in public view.

3. **Buffer Fence and Landscaping Abutting Residential Property.** For any parking area located within a required yard adjacent to residentially zoned property, an ornamental fence and tree row meeting the following criteria shall be provided.

a. The landscaped buffer shall be at least 10 feet wide. Vehicles may overhang the minimum 10 ft. wide planter provided that they will not interfere with the placement of trees with any existing or proposed footings of adjacent walls.

b. The major component of the buffer area shall be trees of a minimum 15 gallon size. Selection of the species is optional; however, the Director shall have the authority to deny the use of any species which may be known to have a detrimental character, such as shallow root structure, excessive leaf or blossom dropping, or a species which will not provide an effective screen.

i. The spacing shall be no greater than the normal spread of the mature species but in no case greater than 20 feet from center to center.

- ii. The size, shape, and rate of growth of any species shall be as defined in any landscape reference source acceptable to the Director.

19.632.020 Plan Approval Required.

- A. Except for a single family dwelling on a separate lot, a landscape and irrigation plan for any newly established landscape area shall be submitted for zoning compliance review and approval.
- B. The landscape and irrigation plan shall clearly identify the following criteria:
1. Property lines and property address.
 2. Streets, driveways, walkways, recreational areas, and other paved areas.
 3. Pools, water features, fences, and retaining walls.
 4. Existing and proposed buildings and structures.
 5. Landscaping materials, trees, shrubs, vines, ground cover, turf, and other vegetation. Planting symbols shall be clearly drawn and plants labeled by botanical name, common name, container size, spacing, and quantities of each group of plants indicated.
 6. An approximate calculation of the total landscape area.
- C. Except for a single family dwelling on a separate lot, a landscape and irrigation plan with a total landscape area over 2,500 sq. ft. shall be prepared and/or certified by a licensed landscape architect or contractor, certified irrigation designer, or other licensed or certified professional in a related field.
- D. Minimum acceptable plant sizes shall be determined by policy of the Director and/or as conditions of approval for an administrative action pursuant to Division 1.
- E. Landscape and irrigation plans shall be approved prior to the issuance of permits for such work or prior to the issuance of any permits (i.e. building permits) for any associated work approved by an action of the Zoning Administrator, Planning Commission, or City Council pursuant to Division 1.

19.632.030 Landscape and Maintenance.

- A. All landscaping shall be maintained in a healthy and attractive condition.
- B. Landscaping for other than a single family dwelling shall consist predominantly of drought-tolerant plants, as widely recognized within the horticultural industry or as recommended by a California-licensed Landscape Architect. In addition, such landscaping shall comply with the following criteria.
1. Water-thirsty plants may be used in limited numbers but shall be grouped together within a cooler, sheltered area such as adjacent to a structure or within an entry area or courtyard.
 2. Plants with similar water, soil, and sunlight requirements shall be grouped together within a separate irrigation system.
 3. A mulch of at least three inches shall be applied to all new planting areas, other than turf areas, to reduce water evaporation and help suppress weeds.
 4. A living, drought-resistant ground cover shall be used for all planter areas to reduce soil erosion, to insulate the soil from temperature extremes, and to reduce evaporation.
 5. New lawns shall be established with the use of hydroseeding or sod, utilizing the more drought tolerant varieties of improved fescues or Bermuda hybrids.
 6. Lawns shall be maintained and periodically thatched and mulched in accordance with standard horticultural practices to maintain maximum water penetration and avoid excessive water run-off.
 7. Boulders, rocks, and gravel may be used for a ground cover material only as a special design element upon approval of the Planning Division.
- C. **Curbs Required.** All landscape planters for other than a single family dwelling shall be separated from all parking and loading spaces, parking aisles, and driveways with a

minimum 6 inch high concrete curb. In addition, for any such landscape area adjacent to a public sidewalk, in which the grade of the planter is higher than the sidewalk and which is planted with material other than a hydroseeded or sodded lawn, a minimum 6 inch high concrete curb shall be provided alongside the public sidewalk to preclude soil erosion across such sidewalk.

19.632.040 Irrigation System and Maintenance.

A. Except for single-family uses (one detached single-family dwelling unit on a lot), all required landscaping shall be provided with a permanent underground irrigation system. The irrigation system shall consist of piped water lines terminating in an appropriate number of sprinklers or other outlets to insure complete coverage of water for plants within the landscaped areas.

B. Any permanent, underground irrigation system, whether required or not, shall comply with the following criteria.

1. Permits are required prior to installation of any permanent, underground irrigation system.

a. **Off-Site Work.** Irrigation systems exclusively in City rights-of-way require permits issued by the Construction Services Division of Public Works. Any system within City rights-of-way shall meet the minimum requirements outlined under Engineering Standard No. ISP-1.

b. **On-Site Work.** The Building Division will issue permits for on-site and combination on-site and off-site installations. Permit fees shall be in accordance with the applicable sections of the City Code.

2. **Backflow Prevention Devices.** All irrigation systems shall be protected by an approved type and size of backflow prevention devices, as required by the Construction Services Division of Public Works.

3. After installation, the system shall be flushed thoroughly to remove dirt and debris prior to installation of the sprinkler heads.

4. All sprinkler heads shall be adjusted and maintained to minimize overspray upon public access ways in order to reduce the undermining of surface areas and to reduce water waste.

5. Irrigation systems shall be maintained in good working order.

C. In addition to the requirements of subsection B of this section, any required permanent underground irrigation system for a development with more than 2,500 sq. ft. in landscape area shall comply with the following criteria.

1. Each irrigation system shall be equipped with an automatic controller with a mechanical or solid state timer capable of operating valve stations to set days and length of time.

2. Each irrigation system shall be equipped with a rain sensing override device which automatically shuts off the irrigation system when it rains.

3. Whenever possible, landscape irrigation shall be scheduled between 2:00 a.m. and 10:00 a.m. to avoid irrigation during times of high wind or high temperature.

4. For larger developments, the following criteria may be required when considered appropriate under a department policy of either the Planning Division or Construction Services Division of Public Works.

a. A soil moisture sensing device may be required where appropriate to measure soil moisture and maintain efficient irrigation schedules.

b. A separate landscape water meter may be required.

Chapter 19.636 Development Standards - Vehicular Provisions

Sections:

19.636.010	Street Dedication and Improvement.
19.636.020	Vision Clearance.
19.636.030	Driveway Standards.
19.636.040	Parking Spaces Required.
19.636.050	Parking Location.
19.636.060	Parking Dimensions and Layout.
19.636.070	Parking Improvements.
19.636.080	Parking Structure.

19.636.010 Street Dedication and Improvement.

No building permit shall be issued until the following requirements are met:

A. All streets, alleys, and other public rights-of-way shown on plans approved by the City Council and which abut the subject property shall be dedicated to the planned right-of-way line or a deed of dedication deposited in escrow with an escrow agent acceptable to the City attorney, the delivery of which is conditioned upon the required permit being granted.

B. All improvements of streets, alleys, and other public rights-of-way which abut the subject property and are required in order to conform to improvement standards approved by the City Council shall be installed, or a performance bond, in a reasonable amount to be determined by the City Engineer, with sureties to be approved by the City Attorney, shall be filed with the City Clerk, or cash in a like amount shall be deposited with the Finance Director to be placed in a trust fund.

19.636.020 Vision Clearance.

A. Vision clearance areas shall be provided as follows:

1. On any corner lot: a triangular area at the street intersection measuring fifteen feet along each street property line (or the projections thereof parallel to the centerlines of the streets) from the point of intersection of such property lines (or the projections thereof);

2. At the intersection of an alley with a street, or at the intersection of two alleys, or at an angle point where the alignment of an alley changes by sixty degrees or more: a triangular area measuring fifteen feet along each street or alley property line from the point of intersection of the property lines;

3. At any driveway entrance from or exit to a street: triangular areas on each side of the driveway measuring fifteen feet along the street property line and fifteen feet along the edge of the driveway from the point of intersection of the edge of the driveway with the street property line.

B. Within a required vision clearance area there shall be no fence, tree, shrub, or other obstruction to sight between two feet and seven feet above the established street grade.

Where the vision clearance area for an existing driveway falls on adjacent property, no additional obstruction in the two-foot to seven-foot height range shall be placed in the vision clearance area except a fence which does not obscure sight through more than ten percent of the area in the vertical plane. Where existing obstructions exist on adjacent property in the two-foot to seven-foot height range, any new driveway constructed on the subject property shall be located so as to not have any such obstructions in its vision clearance areas.

C. Permitted Encroachments. The following encroachments are permitted within the required vision clearance area:

1. Fences, walls, and hedges, not over 2' high.
2. Landscaping, not over 2' high.
3. Access walkways.

19.636.030 Driveway Standards.

A. In case of any conflict between the requirements of this section and any safety requirements pursuant to the fire code, the fire code requirements shall prevail.

B. Every garage, carport, parking area, loading area, drive-in or drive-through service area, or other off-street vehicular waiting or maneuvering area shall be connected to one or more public streets or alleys by one or more driveways meeting the standards set forth in this section.

C. Driveway Width.

1. In the various zones, the width of any driveway shall be within the limits shown in Table 19.636.030.
2. Where the driveway approach width at the street property line required by the City Engineer pursuant to Title 12 is different from the driveway width required by this section, a variable width transition segment outside the street right-of-way shall be provided to provide a smooth connection.

Table 19.636.030

DRIVEWAY WIDTHS		
All Zones	Minimum Driveway Width	Maximum Driveway Width
One-way	13 feet	35 feet
Two-way	25 feet	35 feet

D. Driveway Height Clearance. Within the required driveway width, there shall be no obstruction from the driveway surface to a height of eight feet. In addition, any portion of a driveway not covered by a building or porte cochere shall be unobstructed to a height of fourteen feet.

E. Driveway Curvature. The minimum turning radius for any curve in a driveway shall be twenty-five feet measured to the outside edge of the driveway.

F. Driveway Circulation Pattern.

1. Driveways and on-site circulation shall be arranged so that vehicles are not required to back into a street.
2. In all zones, in order to preclude backing from a parking space into an alley, there shall be no direct entry from an alley to a parking space.

19.636.040 Parking Spaces Required.

A. In connection with the use of each lot, sufficient off-street parking space shall be provided to meet the demand created by all activities on the lot. The minimum requirements for each use shall be as shown in Table 19.636.040, entitled Parking Spaces Required. Additional requirements may be imposed, based upon substantiated estimates, as a condition of approval of a development under site plan review, conditional use permit, or other development approval procedure provided for in this Title. For uses or property for which no parking requirement is set forth in Table 19.636.040, nor previously determined under the interpretation procedure (Section 19.128.010), nor established under a development approval procedure, a parking requirement shall be determined for that type of use pursuant to the interpretation procedure set forth in Section 19.128.010.

B. The floor area of any space used for parking, loading, or vehicular circulation shall not be included in the gross floor area use to calculate a parking requirement.

C. Where there is more than one activity or use on a lot, the total parking space requirement shall be the sum of requirements for the separate components unless a conditional use permit is granted by the City for shared parking. An application for shared parking facilities may be considered for uses with significantly different peak hours of operation which must meet the following requirements:

1. A parking study prepared by a traffic engineer shall be submitted by the applicant demonstrating that there will not exist substantial conflict in the peak hours of parking demand for the uses for which joint use is proposed.

2. The number of parking spaces credited from one use to another under a shared parking agreement shall not create a situation where either use does not maintain the minimum number of spaces deemed necessary during peak hours of operation.

3. Parking spaces designated for joint use shall be located within a reasonable proximity to the use served as determined by the permit issued.

4. A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned assuring the continued availability of the number of spaces designated for joint use.

D. Where an off-street parking district has been established, the parking space requirement for each property within the district shall be reduced by the share of the total spaces provided by the district which is proportional to the share of the district assessment borne by the same property.

E. Any fractional space requirement resulting from the calculation of required parking spaces shall be disregarded if less than 0.50 space and shall be counted as one required space if 0.50 or greater.

Table 19.636.040

PARKING SPACES REQUIRED

Use	Parking Spaces Required
Schools	
Nursery school	1 space per employee plus 1 passenger loading square per 6 children. Joint use with church parking allowed.
Elementary or junior high school	1 space per 200 square feet teaching area, or public assembly requirement, whichever is greater.
Senior high school	1 space per 100 square feet teaching area, or public assembly requirement, whichever is greater.
College, university, vocational, business or trade school	33 spaces per 1,000 square feet of gross floor area of classrooms, lab or other instructional floor area plus 4 spaces per 1,000 square feet of office or administrative floor area.
Public Assembly	
Auditorium, theater, mortuary, gymnasium, outdoor stadium arena, outdoor grandstand	1 space per 3 fixed seats or 4.5 feet of bench.
Skating rink	5 spaces per 1,000 square feet of rink area, plus requirement for any accessory use; i.e., full-service restaurant, arcades, etc.
Dancehall	35 spaces per 1,000 square feet of dance floor area.
Recreation hall, community center, club or lodge, conference rooms, banquet rooms	10 spaces per 1,000 square feet of gross floor area.
Recreation	
Passive park (no buildings or sport facilities)	2 spaces per acre.
Golf course	8 spaces per hole plus requirements for other facilities.
Golf driving range	1.5 spaces per tee plus requirements for other facilities.
Miniature golf	2 spaces per 1,000 square feet lot area.
Tennis	3 spaces per court.
Swimming pool	1.5 spaces per 100 square feet pool and deck area.
Commercial Recreation	
Bowling alley	3 spaces per alley plus requirement for other activities.

Table 19.636.040, cont'd.

PARKING SPACES REQUIRED, cont'd.

Use	Parking Spaces Required
Commercial Recreation, cont'd.	
Racquetball or handball courts	3 spaces per court plus requirement for other activities.
Other commercial recreation (not public assembly or outdoor)	5 spaces per 1,000 square feet gross floor area.
Commercial	
Eating and drinking (including fast food establishments)	10 spaces per 1,000 square feet gross floor area including outdoor eating and drinking areas. 10 spaces minimum.
Offices—General	4 spaces per 1,000 square feet gross floor area.
Retail goods and services	5 spaces per 1,000 square feet gross floor area.
Public utility facilities with no employees or visitors (transformer stations, pumping stations, etc.)	No requirement.
Other uses in commercial zones	5 spaces per 1,000 square feet gross floor area.
Drive-In Facilities	
Drive-in theater	Waiting spaces ahead of entry gate as determined under conditional use permit.

19.636.050 Parking Location.

- A. Required parking shall be located on the same lot as the activities or uses served, except as follows:
1. Required parking may be located on a lot adjacent to the lot served subject to a recorded covenant as provided in subsection B of this section.
 2. Any required parking provided by means of an off-street parking district is not subject to a specific location requirement.
- B. Where required parking is not on the same lot as the activity or use served, a covenant running with the land shall be recorded by the owner of the parking lot guaranteeing to the City that the required parking will be maintained for the use or activity served.

19.636.060 Parking Dimensions and Layout.

- A. Except as further provided in this section, the layout of parking areas shall meet the standards shown in Table 19.636.060, entitled Parking Layout Standards.
- B. There shall be a clear vehicular entry to every required parking space at least equal in width to the required width of the space.
- C. Each parking space and aisle shall have a clear height of at least six and one-half feet. At least twenty percent of the spaces provided together with their associated parking aisles shall have a clear height of at least seven feet.
- D. Parking spaces for the handicapped shall be provided in accordance with state standards.
- E. Required parking spaces shall meet the requirements for standard car parking as shown in Table 19.636.060, entitled Parking Layout Standards; except, for any parking area of ten

Division 6
Open Space Zones
 - Buena Park Zoning Ordinance -

or more spaces, not more than thirty percent of the required spaces may be for compact car parking.

F. Any parking area shall provide internal circulation for access to all spaces without causing vehicles to back into or reenter a street.

G. Waiting (queuing) spaces shall not overlap parking aisles or driveways.

Table 19.636.060

PARKING LAYOUT STANDARDS

Type of Space:	Stall		Aisle Width (in feet)							
	Width in feet	Length in feet	One-Way				Two-Way			
			30°	45°	60°	90°	30°	45°	60°	90°
Standard Car Parking:										
Angle Parking:										
Commercial use	9 (1)	19	13	15	20	25	20	20	20	25
Industrial use	8.5 (1)	19	13	15	20	25	20	20	20	25
Parallel parking	8	23								
Compact Car Parking:										
Angle parking	8 (1)	16	13	15	20	25	20	20	20	25
Parallel parking	7	18								
Waiting (Queuing) Spaces	9	20								
Passenger Loading:										
Parallel to curb	8	23								
At angle to curb	9.5	19								

(1) With ninety-degree angle parking, an end stall shall be provided with a 2' wide planter adjacent to a wall or structure.

19.636.070 Parking Improvements.

A. Except as otherwise specified in this Title, parking may be provided in parking lots, carports, garages, or other parking structures.

B. Drainage. All areas for the movement, parking, loading, repair, or storage of vehicles shall be graded and drained to dispose of surface water. In all cases except single-family residential uses, drainage shall be arranged to prevent surface flow across walkways and driveways.

C. Paving.

1. All areas for the movement, parking, loading, repair, or storage of vehicles shall be paved and maintained to eliminate dust and mud, to provide an even, unbroken driving surface, and to present a uniform appearance.

2. All paving shall meet one of the following minimum standards:

- a. Portland cement concrete, three and five eighths inches thick,
- b. Asphalt, one and one-half inches thick on a four inch aggregate base,
- c. Other pavement determined by the Director to be equivalent to one of the above standards in useful life, serviceability, and appearance.

D. Wheelstops. In all angle parking stalls (including ninety-degree parking) facing the perimeter of a parking area, individual concrete wheelstops or a six-inch high poured-in-place concrete curb shall be provided, located three feet inside the front boundary of the stalls.

E. Landscaping.

1. Landscaped Buffers Along Streets. Every parking area adjacent to a street or alley shall be set back from the street or alley line as required by Section 19.620.020. Such setback areas shall be permanently landscaped in accordance with the requirements of Chapter 19.632.

2. Interior Landscaping. Within the parking area of any parking lot with ten or more parking spaces, an area equal to at least seven percent of the total parking and driveway area shall be landscaped with trees and some combination of shrubs, vines and ground cover. Such landscaping shall be reasonably distributed throughout the area in order to avoid a monotonous appearance and to enhance the visual attractiveness of the area, especially those portions in public view. All portions of a parking area not improved for parking aisles and stalls and more than five feet by five feet in size shall be landscaped. Any portion of the parking area not landscaped shall be paved. At all boundaries between landscaped areas and paving, a six-inch-high concrete curb shall be provided.

3. Buffer Fence and Landscaping Abutting Residential Property. For any parking area located within a required yard adjacent to residentially zoned property, a minimum 6 ft. high ornamental masonry fence and tree row meeting the requirements of Section 19.632.010 shall be provided.

F. Marking of Parking Spaces. All parking areas shall be marked as follows:

1. For all uses: double lines separating stalls, with minimum 4 inch wide stripes and a minimum 8 inch separation;

2. Spaces for handicapped parking and for compact cars shall be so identified;

3. In accordance with any additional standards for marking of parking areas which may be adopted pursuant to Section 19.124.050.

G. Lighting. Security lighting for non-residential uses shall be provided in all parking areas accessible to public entry after dark, subject to the following criteria:

1. All artificial lighting shall be so designated to provide safety and security to the property users, as well as the enhancement of the general appearance of the development. Use of unhoused, bare bulbs shall be avoided.

2. Building-mounted lighting fixtures shall not project above the fascia or roof line. Recessed wall mounts are encouraged.

3. Pole mounted luminaires shall not exceed the height of the buildings on the site, unless otherwise approved by the Director.

4. All luminaires shall be designed, shielded, or aimed in such a manner so as not to produce glare upon adjacent properties or rights-of-way.

5. All required lighting shall be permanently maintained as a condition of the use.

19.636.080 Parking Structure.

In addition to other requirements of this Division, a parking structure shall be subject to the following requirements.

A. For any portion of a parking structure within 50 feet of a residential zone, there shall be no openings, other than for pedestrian or vehicular access, in any wall which faces the residential zone. Furthermore, any ramp and the top level parking surface within 50 feet of a residential zone shall have a minimum 6 feet high perimeter solid wall as measured from the floor of the parking surface.

B. For the purpose of screening parked vehicles from public view on all other levels, there shall be a minimum 36 inch high perimeter architectural screen, measured from the finished floor, for all parking areas within the structure.

Division 6
Open Space Zones
- Buena Park Zoning Ordinance -

- C.** The use of materials and the architectural design for the parking structure shall be compatible with the other structures on the property.
- D.** Suitable trees of a size and height relative to the scale and height of the structure shall be planted near and around the parking structure.

Chapter 19.640 Transportation Demand Management Requirements For Specified New Development

Sections:

19.640.010	Intent and Policy.
19.640.020	Definitions.
19.640.030	Applications of Chapter Provisions.
19.640.040	Facility Standards.
19.640.050	Monitoring.

19.640.010 Intent and Policy

A. This chapter is intended to meet the requirements of the California Government Code, Section 65089 (b) (3) which requires development of a trip reduction and travel demand element to the CMP, and California Government Code, Section 65089.3(a) (2) which requires adoption and implementation of Trip Reduction and Travel Demand Ordinance.

B. New commercial, office, industrial, and mixed use developments employing 100 persons or more may adversely impact existing transportation and parking facilities, resulting in increased motor vehicle emissions, deteriorating levels of service, and possibly significant additional capital expenditures to augment and improve the existing transportation system. In order to more efficiently utilize the existing and planned transportation system and to reduce vehicle emissions, it is the policy of the City to:

- 1.** Reduce the number of peak-period vehicle trips generated in association with new development.
- 2.** Promote and encourage the use of alternative transportation modes such as ridesharing, car pools, vanpools, public bus, and rail transit, bicycles, and walking as well as those facilities that support such modes.
- 3.** Achieve related reductions in vehicle trips, traffic congestions, and public expenditure and achieve air quality improvements through utilization of existing local mechanisms and procedures for project review and permit processing.
- 4.** Promote coordinated implementation of strategies on a county-wide basis to reduce transportation demand.
- 5.** Achieve the most efficient use of local resources through coordinated and consistent regional and local TDM programs. (Ord. 1264 § 5 (part), 1991)

19.640.020 Definitions

A. For purposes of this chapter, the definitions for the following terms shall apply:

- 1.** "Alternative Transportation Modes" means any mode of travel that serves as an alternative to the single occupant vehicle. This can include all forms of ridesharing such as carpooling or vanpooling, as well as public transit, bicycling, or walking.

2. "Applicable Development" means any new development project that is determined to meet or exceed the employment threshold using the criteria contained in Section 19.640.030.
3. "Carpool or Vanpool" means two or more persons using the same vehicle to commute to or from an employment site or sites.
4. "Employee" means any person employed by a firm, person(s), business, educational institution, non-profit agency, or corporation, government agency or other entity. Employee shall include a person employed on a full time, part time, or temporary basis.
5. "Employment Generation Factors" refers to factors as specified in Section 19.640.030 for projecting the potential employment of any proposed development project.
6. "Mixed-Use Development" means new development projects that combine any one of these land uses with another: residential, office, commercial, light industrial, and business park.
7. "New Development Project" means any non-residential project being processed where discretionary action by a decision-making body is required.
8. "Transportation Demand Management (TDM)" means the implementation of programs, plans, or policies designed to encourage changes in individual travel behavior. TDM can include an emphasis on alternative travel modes to the single occupant vehicle (SOV) such as carpools, vanpools, and transit, reduction or elimination of the number of vehicle trips, or shifts in the time of vehicle commutes to other than the peak-periods. (Ord. 1264 § 5 (part), 1991)

19.640.030 Applications of Chapter Provisions.

- A. This chapter shall apply to all new development projects that are estimated to employ a total of 100 or more persons as determined by the methodology specified in Subsection B. below.
- B. For purposes of determining whether a new development project is subject to this chapter, the total employment figure will be as follows:
 1. Employment projections developed by the project applicant, subject to approval by the Director of Development Services, or
 2. Employment projections developed by the City using the following employee generation factors by type of use.

Land Use Category	Gross Sq. Ft./Employer
Commercial	500
Office/Professional	250
Industrial	525
Hotel or Motel	0.8 / room

3. The employment projection for a development of mixed or multiple uses shall be calculated on a case by case basis based upon the proportion of development devoted to each type of use. (Ord. 1264 § 5 (part), 1991)

19.640.040 Facility Standards.

- A. All applicable developments shall be subject to the Facility Standards as specified in this chapter and shall include in their project plan's provisions to provide each of the improvements.
- B. Preferential parking for carpool and vanpool vehicles.
 1. At least ten percent (10%) of the employee parking spaces shall be reserved and designated for carpool and vanpool vehicles by marking such spaces "Carpool Only".

2. Such spaces shall be located near the building's employee entrance(s) or at other preferential locations within the employee parking areas as approved by the City.
3. Where applicable, vanpool vehicle accessibility shall include a minimum 7'2" vertical clearance for those parking spaces and ramps to be used by such vehicles.
4. The total number of employee parking spaces shall be determined by using the parking requirements specified in this chapter and the following factors by type of use as specified.

Type of Use	Percent of Total Parking Devoted to Employee Parking
Commercial	30%
Office/Professional	85%
Industrial	90%
Hotel or Motel	30%

C. Facilities for Bicyclist.

1. Secure, adequate, and convenient storage for bicycles shall be provided.
2. Separate shower and locker room facilities shall be provided for men and women employees unless a finding is made by the Director of Development Services that provision of such facilities on a specific development are not practical or efficient.

D. Information on Transportation Alternatives.

1. A commuter information area shall be provided within or near each building. The area shall be centrally located and accessible to all employees.
2. Such area shall be of sufficient size to accommodate the display or provision of information such as:
 - a. Current maps, routes, and schedules for public transit,
 - b. Available employee incentives for use of alternate transportation modes, if any.

E. Bus Stop Improvements. Bus stop improvements shall be provided and located as deemed necessary and appropriate by the City Engineer. Said improvements shall be developed in accordance with the standards set forth by the City Engineer and may include dedication of right-of-way for improvement of bus pullouts, bus pads, and bus shelters. (Ord. 1264 § 5 (part), 1991)

19.640.050 Monitoring

Periodic monitoring of the applicable developments may occur to ensure full and continued implementation of the Facility Standards as described in Section 19.640.040 above. (Ord. 1264 § 5 (part), 1991)

10. Development Standards -

10.1. The purpose of this chapter is to establish minimum standards for the development and use of land within the Open Space Zones. The standards are intended to ensure that the development is consistent with the overall goals and objectives of the zoning ordinance and to provide for the health, safety, and general welfare of the community.

10.2. Development Standards -

10.2.1. The minimum lot area for any development within the Open Space Zones shall be as follows:

- 10.2.1.1. Single-family detached dwellings: 10,000 square feet.
- 10.2.1.2. Multi-family dwellings: 15,000 square feet.
- 10.2.1.3. Commercial buildings: 20,000 square feet.
- 10.2.1.4. Industrial buildings: 25,000 square feet.

10.2.2. The minimum lot width for any development within the Open Space Zones shall be as follows:

- 10.2.2.1. Single-family detached dwellings: 40 feet.
- 10.2.2.2. Multi-family dwellings: 50 feet.
- 10.2.2.3. Commercial buildings: 60 feet.
- 10.2.2.4. Industrial buildings: 70 feet.

10.2.3. The minimum lot depth for any development within the Open Space Zones shall be as follows:

- 10.2.3.1. Single-family detached dwellings: 100 feet.
- 10.2.3.2. Multi-family dwellings: 120 feet.
- 10.2.3.3. Commercial buildings: 150 feet.
- 10.2.3.4. Industrial buildings: 180 feet.

10.2.4. The minimum lot area, width, and depth for any development within the Open Space Zones shall be as follows:

- 10.2.4.1. Single-family detached dwellings: 10,000 square feet, 40 feet wide, 100 feet deep.
- 10.2.4.2. Multi-family dwellings: 15,000 square feet, 50 feet wide, 120 feet deep.
- 10.2.4.3. Commercial buildings: 20,000 square feet, 60 feet wide, 150 feet deep.
- 10.2.4.4. Industrial buildings: 25,000 square feet, 70 feet wide, 180 feet deep.

10.2.5. The minimum lot area, width, and depth for any development within the Open Space Zones shall be as follows:

- 10.2.5.1. Single-family detached dwellings: 10,000 square feet, 40 feet wide, 100 feet deep.
- 10.2.5.2. Multi-family dwellings: 15,000 square feet, 50 feet wide, 120 feet deep.
- 10.2.5.3. Commercial buildings: 20,000 square feet, 60 feet wide, 150 feet deep.
- 10.2.5.4. Industrial buildings: 25,000 square feet, 70 feet wide, 180 feet deep.

10.2.6. The minimum lot area, width, and depth for any development within the Open Space Zones shall be as follows:

- 10.2.6.1. Single-family detached dwellings: 10,000 square feet, 40 feet wide, 100 feet deep.
- 10.2.6.2. Multi-family dwellings: 15,000 square feet, 50 feet wide, 120 feet deep.
- 10.2.6.3. Commercial buildings: 20,000 square feet, 60 feet wide, 150 feet deep.
- 10.2.6.4. Industrial buildings: 25,000 square feet, 70 feet wide, 180 feet deep.

10.2.7. The minimum lot area, width, and depth for any development within the Open Space Zones shall be as follows:

- 10.2.7.1. Single-family detached dwellings: 10,000 square feet, 40 feet wide, 100 feet deep.
- 10.2.7.2. Multi-family dwellings: 15,000 square feet, 50 feet wide, 120 feet deep.
- 10.2.7.3. Commercial buildings: 20,000 square feet, 60 feet wide, 150 feet deep.
- 10.2.7.4. Industrial buildings: 25,000 square feet, 70 feet wide, 180 feet deep.

Chapter 19.644 Development Standards - Utilities And Mechanical Equipment

Sections:

19.644.010	Undergrounding of Utilities
19.644.020	Visual Screening of Mechanical Equipment
19.644.030	Receive-only Television, Satellite Dish, and Radio Antennae Placement in the Open Space Zones.

19.644.010 Undergrounding of Utilities.

A. In connection with the new construction or relocation of a main building, or a change of use to a nonresidential use, all utility lines within the site boundaries shall be placed underground. Necessary surface-mounted utility equipment is permitted, provided it is screened from public view in the same manner as required for mechanical equipment as provided in Section 19.644.020.

B. The provisions of this section may be waived pursuant to the procedure provided under Section 19.128.060.

19.644.020 Visual Screening of Mechanical Equipment.

A. All exterior equipment, whether freestanding or attached to a building, including pipes, conduit, and duct work shall be effectively screened from public view or architecturally integrated into a building structure, with the following exceptions:

- 1.** Ordinary vents on single-family dwellings,
- 2.** Window-mounted air conditioning units on single-family dwelling,
- 3.** Solar panel surfaces (but not supports, piping, etc.),
- 4.** Outdoor lighting standards and fixtures.

B. It is the intent of the City to encourage all new construction to provide for any such equipment during the initial design stages by parapets, penthouses, etc. Existing facilities, or those structures under construction may screen such equipment with architecturally designed screens.

C. Plan check (Retrofits). Applicant shall submit two copies of a plot plan which shall indicate clearly and by full dimensions the following information:

- 1.** Lot dimensions
- 2.** All buildings and structures: location, size, height, and proposed use.
- 3.** All walls, fences, and landscaping: location, height, and materials.
- 4.** Location of equipment proposed to be installed.
- 5.** Elevations of equipment and proposed screening, depicting colors, materials, and dimensions of screening.

D. Design/Materials

1. Screening must be architecturally consistent with the facility in terms of design type and colors. Effective screening does not call attention to itself, but quietly complements the building.
2. No raw or untreated materials shall be used on roof or building mounts. Fire Code requirements for the particular use and/or building will determine the permitted combustible or non-combustible material.
3. On ground mounts, view obscuring ornamental block, wood, and earth berms with acceptable landscaping may be used to provide effective architectural screening, if the treatment is deemed to be consistent with the overall design concept.

E. Treatment of Above Grade Transformers; Meters; Gas Manifolds, etc.
It is the intent to encourage the placement of such equipment in underground vaults. If placed above grade, such equipment shall be located and screened from public view by an architectural screen and landscaping, subject to the approval of the Planning Division staff.

F. Maintenance. All screening devices shall be permanently maintained as a condition of the use.

19.644.030 Receive-only Television, Satellite Dish and Radio Antennae Placement in the Open Space Zones.

A. Receive-Only Antennae Weighing Less than Thirty-Five Pounds.

1. Any receive-only antenna weighing less than thirty-five pounds may be mounted in the rear yard, interior side yard, or on the roof of any structure, subject to all conditions hereinafter provided.
2. Any receive-only antenna weighing less than thirty-five pounds may be mounted in the front yard or street side yard, subject to conditions hereinafter provided, upon receipt of an antenna permit obtained in accordance with the provisions of subsection E of this section.

B. Receive-Only Antennae Weighing Thirty-Five Pounds or More.

1. Each receive-only antenna weighing thirty-five pounds or more shall be installed in the rear yard, except as hereinafter provided.
2. In the event overall quality of reception in the rear yard is not at least equal to that received by cable, or other circumstances preclude such installation, a permit may be obtained, in accordance with the provisions of subsection E of this section, authorizing the antenna to be located in order of preferred placement, and subject to the conditions and restrictions of subsection D of this section.

C. Screening Required.

1. Each receive-only antenna visible to the public which has a surface area exceeding twenty square feet, or which is to be mounted in the front yard, shall be screened to the satisfaction of the City Planner or his designee. If such antenna is to be mounted directly, or through a supporting structure, to the ground, then such screening shall be accomplished through the use of appropriate plants, trees, or shrubbery and wood lattice or other material compatible with the structure. Plants, trees, or shrubs to be utilized for screening purposes shall have a minimum container volume of fifteen gallons at the time of planting. All such screening shall be on three sides and shall be sufficiently high so as to screen ninety percent or more of the antenna from public view.
2. Each receive-only antenna with a surface area exceeding twenty square feet which is permitted to be roof mounted, shall be screened with materials compatible with the structure upon which such antenna is mounted and shall be screened to the satisfaction of the City Planner or his designee. Such screening shall be on at least three sides and shall be sufficiently high so as to screen at least ninety percent of the antenna from public view.

D. Conditions and Restrictions Applicable to all Receive-only Antenna Installations.

1. Location.

a. The preferred order of placement shall be the roof, if completely screened by existing building parapet walls, then rear areas, side areas, side areas abutting a street, roof, and finally front areas. However, no antennae shall be permitted within required yard areas abutting a street where solid fences are not permitted to exceed a maximum height of two feet.

b. No receive-only antenna, or its supporting structure, shall be installed in any required setback or in any other location which would impede emergency access to any portion of the subject property.

2. Height. No receive-only antenna shall exceed ten feet in height above the peak roof line of the structure upon which such antenna is mounted or ten feet above the peak roof line of the closest structure located on the subject property if such antenna is not to be roof mounted.

3. The provisions of this section hereinafter shall not be deemed to preempt or supersede contractual conditions, covenants, and/or restrictions which may prohibit such antenna installation.

4. No receive-only satellite dish antenna shall exceed ten feet, six inches in diameter.

5. Each receive-only satellite dish antenna shall be earth-tone or neutral in color and shall be constructed of a "see-through" mesh or open grid design. Solid surface receive-only satellite dish antennae, such as solid white fiberglass designs, are prohibited unless completely screened from view at all times.

6. Nothing herein shall excuse any person from obtaining all permits otherwise required or from complying with any and all applicable local and State codes, laws, and regulations pertaining to the installation of antennae and/or antenna supporting structures.

E. Receive-Only Antenna Permit Application.

1. Where a permit is required, or application therefor is authorized, under any provision of this section, each person desiring a permit shall apply to the City's Planning Division. The applicant shall provide a completed application on a form provided by the Planning Division containing at minimum, the following:

a. Name, address, and telephone number of the applicant,

b. The specific location where the applicant proposes to install the antenna, including a detailed description of the antenna design and any supporting structure proposed to be utilized, including size, weight, and such other information as the Planning Division may require,

c. Specific reasons as to why the antenna proposed to be installed should not be mounted in the rear yard, or otherwise, in accordance with the preferred order of placement, as herein prescribed,

d. If required herein, a description of the screening proposed to be utilized by the applicant,

e. A sketch or other drawing, satisfactory to the Director, showing:

i. Location of physical features on the subject property,

ii. Approximate dimensions (plus or minus one foot) of the subject lot and physical features thereon,

iii. The specific location where the antenna, and screening if required, are proposed to be installed,

iv. Any other physical features in the area of the subject property which applicant feels would adversely affect reception in those areas set forth herein as "preferred," and

v. The design of the antenna and proposed support structure,

Division 6
Open Space Zones
- Buena Park Zoning Ordinance -

f. A statement as to why the proposed antenna may not be satisfactorily installed, or will not satisfactorily function, in a preferred area, as prescribed herein,

g. A declaration made under penalty of perjury that either the property upon which the antenna is proposed to be installed is not subject to any contractual covenants, conditions, or restrictions, or alternatively, that any applicable contractual covenants, conditions, or restrictions do not preclude the installation of the antenna, as proposed by the applicant.

2. All applicants for an antenna permit may be required to show to the satisfaction of the Director that circumstances preclude installation in a preferred area, or that reception quality in the preferred area or areas is insufficient, as herein prescribed.

3. Any person aggrieved by any provisions of this section due to exceptional circumstances may apply for an antenna permit in accordance with the provisions of subsection E of this section.

Chapter 19.648 Development Standards - Environmental Effects

Sections:

19.648.010	Noise Control.
19.648.020	Compliance with Airport Environs Land Use Plan for Orange County.
19.648.030	Lighting.
19.648.040	Maintenance and Operation.

19.648.010 Noise Control.

In addition to the requirements of Title 8, the following noise standards shall be met where applicable:

A. Air Conditioning Equipment. Exterior air conditioning equipment, other than self-contained window-mounted units in single-family dwellings, shall have a sound rating number (SRN) no greater than 8.2 bels, in accordance with ARI (Air Conditioning and Refrigeration Institute) Standard 270, or the equivalent.

B. Public Address Systems. In the OS and OR Zones, any public address systems, loudspeakers, and other sound-producing equipment shall be designed, installed, and operated in a manner which is not disturbing to the surrounding area.

19.648.020 Compliance with Airport Environs Land Use Plan for Orange County.

(RESERVED)

19.648.030 Lighting.

A. Lighting on any premises shall be directed, controlled, screened, or shaded in such a manner as not to shine directly on surrounding premises. Where adjacent owners enter into a written agreement, which shall be recorded, for the joint illumination of their premises, their combined properties shall be considered as a single premises for purposes of this regulation.

B. Lighting on any premises also shall be controlled so as to prevent glare on driveways, walkways, and public thoroughfares.

C. The use of unshaded clear bulbs in exterior lighting is prohibited.

19.648.040 Maintenance and Operation.

All uses and activities shall be operated and maintained so as not to be hazardous, obnoxious, or offensive due to air pollution, odor, dust, smoke, gas, water pollution, noise, vibration, illumination, glare, electromagnetic disturbance or other radiation, or similar effects detrimental to public health, safety, and welfare. All federal, state, and local laws and regulations concerning environmental protection shall be complied with.

Chapter 19.652 Special Requirements for Certain Uses

Sections:

- | | |
|------------|-------------------|
| 19.652.010 | Animal Keeping. |
| 19.652.020 | Agricultural Use. |

19.652.010 Animal Keeping.

A. Purpose. The purpose of this section is to reasonably control the number and types of animals being maintained within the commercial and industrial zones in order to protect the peace, health, and safety of residents and to preserve the urban and suburban quality of the environment.

B. Animals Allowed. No animal shall be kept or maintained within the open space zones except as follows:

1. **Household Pets.** For any existing residential use in the open space zones, household pets may be kept to the same extent permitted in the RS zones of Division 3.
2. Domesticated animals such as horses, mules, cows, goats, or sheep may be kept only in permitted equestrian establishments and theme recreational parks.
3. Wild animals may be kept only as follows:
 - a. In a permitted zoo;
 - b. In an educational institution for the purpose of instruction, provided such animals are securely confined and properly cared for in a manner satisfactory to the Orange County poundmaster;
 - c. At an entertainment establishment only as specifically provided for under the terms of a conditional use permit.

C. Limitations.

1. No person shall keep, maintain, or permit on any lot, parcel of land or premises under his control, any animal which by any sound or cry disturbs the peace and comfort of the inhabitants of the neighborhood or interferes with any person in the reasonable and comfortable enjoyment of life or property. Nor, shall any person maintain any animals in such a manner as to cause the breeding of flies or the creation of obnoxious odors, or in any manner which becomes or is a nuisance or health hazard.
2. All animals shall be kept under control at all times by leash, fences, pens, corrals, cages, or suitable enclosures within buildings.
3. All animal-keeping structures shall conform to any applicable zoning and building code requirements.
4. Any premises where animals are kept shall be open to reasonable inspection by City personnel and other public officers who have responsibility for enforcement of animal-control regulations.

19.652.020 Agricultural Use.

A. Findings and Purpose. It is found that an agricultural use as a commercial enterprise may provide an acceptable interim land use for certain undeveloped or under-utilized properties within the City. The purpose of this section is to minimize any adverse effects with the surrounding properties.

B. Uses Permitted. The type and extent of agricultural uses, as well as any related uses, shall be established and restricted by the terms of a conditional use permit.

C. Site Requirements.

1. The minimum lot area for an agricultural use shall be 4 acres.

2. The site for an agricultural use shall have a minimum frontage of 150 feet with a secondary or greater highway, as designated in the Buena Park General Plan.

D. Development Standards. All development standards including, but not limited to building design and materials, setbacks, and parking improvements shall be determined through the conditional use permit process.

Division 7 Special Zone

Chapters:

- 19.704 Purpose and Description of Special Zone**
- 19.708 Uses**
- 19.712 Development Standards and other Regulations**

Chapter 19.704 Purpose and Description of Special Zone

Sections:

- | | |
|-------------------|--|
| 19.704.010 | Purpose and General Plan Consistency. |
| 19.704.020 | Description of Zone. |

19.704.010 Purpose and General Plan Consistency.

The General Plan outlines goals and objectives, with regard to special historic and cultural land uses and development. The purpose of this Division is to implement those General Plan goals and objectives that relate to these special land uses as follow:

- A** Maintain or improve, when possible, the economic viability of commercial development within the City.
- B.** Encourage the preservation of historic and cultural sites and resources within Buena Park.
- C.** Provide appropriate facilities to serve residents and visitors.

19.704.020 Description of Zone.

AR, Amusement Resort Zone. To provide for the continued development and preservation of a major tourist-recreational attraction in a park-like setting and which is unique and distinctive from the usual type of business enterprise. The purpose of creating an AR District is to protect valuable property rights which have been created as a result of such business establishments. No land shall be zoned in an AR District unless it has been demonstrated that there are exceptional or extraordinary circumstances or conditions applicable to the property involved that would require an AR District zoning, and that unless land is placed in an AR District, the owner or owners of such land would be deprived of existing material property rights.

Division 7
Special Zone
- Buena Park Zoning Ordinance -

Chapter 19.700 Uses

Section:
19.700.010 Uses Permitted

19.700.010 Uses Permitted.

Notwithstanding any other provision of this Title:

- A. All uses that are permitted in the zoning district shall be permitted in the AR zone with the exception of the following uses:
 1. Adult entertainment facilities;
 2. Fast-food restaurants;
 3. Motor vehicle repair;
 4. Motor vehicle storage;
 5. Motor vehicle sales;
 6. Motor vehicle repair and maintenance;
 7. Motor vehicle storage and repair;
 8. Motor vehicle sales and repair;
 9. Motor vehicle storage and repair;
 10. Motor vehicle storage and repair;
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 100. Motor vehicle storage and repair;

Chapter 19.708 Uses

Sections:

19.708.010 Uses Permitted.

19.708.010 Uses Permitted.

Notwithstanding any other provisions of this Title:

A. All uses that are permitted in the zoning ordinance shall be permitted by right in the AR Zone, with the exception of the following uses:

- 1.** Adult entertainment businesses,
- 2.** Freight yard or terminal,
- 3.** Winery, or brewery.

B. No conditional use permit shall be required for any use in the AR Zone.

Chapter 19.712 Development Standards and Other Regulations

Sections:

19.712.010 Development Standards and Other Regulations.

19.712.010 Development Standards and Other Regulations.

Notwithstanding any other provisions of this Title, all uses, structures, and activities permitted in the AR Zone by Section 19.708.010 shall not be subject to any other regulations or restrictions set forth in this Division, except as follows:

- A. Lot Area and Site Requirements.** No requirements.
- B. Building, Structural Height, and Development Standards.** No requirements.
- C. Signs.** No requirements.
- D. Street Dedication and Improvement.** No building permit shall be issued until the following requirements are met:
 - 1.** All streets, alleys, and other public rights-of-way shown on plans approved by the City Council and which abut the subject property shall be dedicated to the planned right-of-way line or a deed of dedication deposited in escrow with an escrow agent acceptable to the City Attorney, the delivery of which is conditioned upon the required permit being granted.
 - 2.** All improvements of streets, alleys, and other public rights-of-way which abut the subject property and are required in order to conform to improvement standards approved by the City Council shall be installed, or a performance bond, in a reasonable amount to be determined by the City Engineer, with sureties to be approved by the City Attorney, shall be filed with the City Clerk, or cash in a like amount shall be deposited with the Finance Director to be placed in a trust fund.
- E. Times and Uses.** No requirements.
- F. Building Permits.** There shall be compliance with the building law regulations as set forth in this code and the requirements of the California Environmental Quality Act.

Division 8 (Reserved) Applications

Chapter:

- 18.001 General Sign Provisions
- 18.002 Sign Standards for Residential Zones
- 18.012 Sign Standards for Commercial / Industrial Zones
- 18.013 Sign Standards for Open Space Zones

Division 9 Sign Regulations

Chapters:

- 19.904 General Sign Provisions**
- 19.908 Sign Standards for Residential Zones**
- 19.912 Sign Standards for Commercial / Industrial Zones**
- 19.916 Sign Standards for Open Space Zones**

Chapter 19.904 General Sign Provisions

Sections:

19.904.010	Purpose.
19.904.020	Definitions.
19.904.030	General Requirements.
19.904.040	Signs Utilizing Non-Latin/Roman Alphabet.
19.904.050	Prohibited Signs.
19.904.060	Sign Plan Review for Special Areas.
19.904.070	Zoning Review and Permits.
19.904.080	Permit-Exempt Signs.
19.904.090	Real Estate Subdivision Signs.

19.904.010 Purpose.

The purpose of this Division is to promote the value and impact of signs for the general public and business community while enhancing the City's various neighborhoods and protecting the safety and welfare of the public.

19.904.020 Definitions.

When used in this Division, the words, terms, and phrases defined in this section shall have the meaning and construction given herein. Other definitions which relate to this Division may also be found under Division I, Section 19.104.080.

Frontage, building.

"Building frontage" means the horizontal length of a wall of a main building where such wall faces a street. The measurement of such length is along a line parallel to the street. Where a building is arranged to include establishments with exterior public entrances but no wall space facing a street, the horizontal dimension of one wall of each such establishment which faces a mall or other private way may be considered to be building frontage.

Frontage, business.

"Business frontage" means the horizontal length of a segment of building frontage which encloses a single business establishment and contains the primary public entrance to such establishment.

Sign.

"Sign" means any object, device, display or structure, or part thereof, situated outdoors or situated indoors and visible from outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination (other than illumination that highlights building features, such as exposed neon accenting building trim), or projected images. This definition does not include any supporting sign structure which in itself is not designed to attract attention.

Sign area.

"Sign area" means the total sign face area of all sign faces of a sign; except, for the following types of signs, the total sign area is considered to be only the area of the single largest sign face:

- A. Double-faced signs where the two sign faces are parallel, on opposite sides of the same sign frame,
- B. Three-dimensional signs.

Sign, canopy.

"Canopy sign" means a sign suspended or attached beneath an eave, awning, canopy, arcade or other building overhang.

Sign, display board.

"Display board sign" means a permanently installed panel provided for the posting of temporary advertisements or messages, and/or upon which manually changeable messages are displayed. This definition does not include electronic "scoreboard" type display boards.

Sign, electronic display board.

"Electronic display board" means a permanently installed panel provided for the purpose of temporary advertisements or messages, upon which electronic messages are displayed with flashing or "moving" letters or symbols.

Sign face.

"Sign face" means each area or display surface of a sign, including any framing, trim, or molding, but not including any supporting sign structure which in itself is not designed to attract attention. In the case of a sign face with no definite perimeter, the

Division 9
Sign Regulations
- Buena Park Zoning Ordinance -

boundary of the sign face is considered to be a parallelogram, triangle, or circle which encloses all portions of the sign. In the case of a three dimensional sign, the flat projection of the largest area which can be seen at one time is considered as the sign face.

Sign face area.

"Sign face area" means the area of a plane surface defined by the boundaries of a sign face.

Sign, ground.

"Ground sign" means a sign affixed to a ground sign structure which is free-standing, supported from the ground, and not attached to a building.

Sign, monument.

"Monument sign" means a ground sign supported on the ground in such a manner that the bottom edge of the sign face at any point is not more than two feet above ground level and the top is not more than eight feet above the ground level.

Sign, off-premises (billboard).

"Off-premises (billboard) sign" means a sign which directs attention to a business, commodity, service, entertainment, or other product or activity offered at a location other than the premises on which the sign is located. This definition does not include a temporary real estate open house sign, nor an approved temporary sign advertising a special community benefit event.

Sign, projecting.

"Projecting sign" means a sign mounted on a building wall or fascia in such a manner that one or more sign faces are not parallel to the building wall.

Sign, roof.

"Roof sign" means a sign extending above, through or over the roof or eave line of a building, not including a sign mounted against the lower portion of a mansard type roof.

Sign structure.

"Sign structure" means a structure, other than a building, upon which one or more signs are attached in any manner.

Sign structure, ground.

"Ground sign structure" means a sign structure supporting a ground sign. A ground sign structure is considered to include all attached signs.

Sign, temporary.

"Temporary sign" means a sign (including pennants, banners, forced cold-air inflatables, or other objects constituting a sign as defined in this Chapter) which is not permanently fixed to a building or sign structure.

Sign, wall.

"Wall sign" means a sign mounted flat against the wall or fascia of a building or against the lower portion of a mansard-type roof.

Sign, window.

"Window sign" means a sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the building through the window.

19.904.030 General Requirements.

A. No sign, whether permanent or temporary, including any supporting structure and lighting thereof, shall present any hazard to the safety of pedestrian or vehicular traffic by obstructing the flow of such traffic, by obstructing the sight lines required for the safe movement of pedestrian or vehicular traffic, by interfering with the visibility and effectiveness of any traffic control or warning device or in any other manner.

B. Appearance.

1. All signs shall be designed and maintained to be compatible with the design and use of materials for the structure on which the sign is affixed or, otherwise, located on the property.

2. No sign face or sign area shall be added to an existing sign unless within a permanent frame or panel indicated for such purpose on approved plans for the total sign structure.

C. Illumination. Where lighted signs are permitted, the illumination shall be fixed, steady and directed or controlled so as to prevent glare on streets, walkways, and residential property. There shall be no blinking, twinkling, scintillation, cyclic variation, motion, or the appearance of motion in the illumination of any sign. Electronic display boards are exempt from this provision when authorized under a conditional use permit.

D. Maintenance. All signs shall be maintained in good condition and working order, to be free of graffiti, peeling paint, faded colors, and/or broken and damaged materials.

E. Obsolete Signs. All signs shall pertain to existing businesses or services and goods offered on the premises. Any sign face no longer in compliance with this section shall be removed or covered to the satisfaction of the Director after 60 days of becoming obsolete.

F. Signs on Public Property and in Public Rights-of Way.

1. The following provisions shall control the placement or proposed placement of signs on public property:

a. No sign shall project over any public walkway, alley, street, or public property except as may be expressly permitted pursuant to this Article. On

private property, in any outdoor areas open to the public, no portion of any sign attached to a building and extending below a height of seven feet above ground level shall project more than six (6) inches from the face of the building.

b. No sign, other than those required for traffic safety or pursuant to law, shall be placed, located, or maintained upon any center median of any street, highway or other improvement intended for utilization by vehicular traffic.

c. No sign may be placed, located, or maintained in, on, or over any public walkway, parkway, alley, street, or any other public property which interferes with the construction, maintenance, or repair thereof, or of any facilities therein or thereon, including, but not limited to, landscape, hardscape, meters, or irrigation facilities.

d. No sign shall be affixed to any tree or other plant materials located in any public walkway, parkway, alley, street or any other public property.

e. Only one sign advertising, identifying, displaying, or directing or attracting attention to a particular idea or event shall be placed in the public right of way on each side of any single block. For the purposes of this subsection, "block" shall mean that portion of a street lying between the nearest two intersecting or intercepting streets.

f. Any sign advertising, identifying, displaying, directing, or attracting attention to, or conveying an idea related to an event which is to occur on a certain date shall not be placed in the public right of way more than 30 days prior to that date and shall be removed no later than 10 days after that date.

2. Signs on public property or in public rights-of-way shall be placed only by public officers or public employees on duty, except for the following:

a. Banner signs advertising special community benefit events at specific locations stated below when both the event and the signs are approved by the City Council. The specific locations for the placement of such banner signs are:

i. across Beach Boulevard on the south of the intersection of Beach Boulevard and Franklin Avenue,

ii. across Orangethorpe Avenue, approximately 430 feet east of its intersection with Valley View Street,

iii. across Orangethorpe Avenue, approximately 75 feet east of the northerly extension of Indiana Avenue,

iv. across La Palma Avenue, approximately 675 feet east of its intersection with Valley View Street,

v. across Knott Avenue, approximately 185 feet north of Houston Street, and

vi. across Beach Boulevard on the south of the intersection of Beach Boulevard and Melrose Avenue.

b. Temporary signs pertaining to a political campaign placed in the public right-of-way.

- c. Temporary signs on public construction projects or development sites identifying the responsible agencies, officials, architects, engineers, or contractors. Such signs shall be neatly painted and not over thirty-two square feet in area.
- d. Temporary real estate signs in connection with each real estate open house in progress, subject to the limitations of subsection I of Section 19.904.080.

19.904.040 Signs Utilizing Non-Latin/Roman Alphabet.

- A. Every sign larger than four square feet of surface area, erected in connection with any business within the City of Buena Park and which utilizes any non-Latin/Roman letters, symbols, or characters in fifty percent or more of its advertising message and in lettering readable from the nearest public street, shall be considered to be a "non-English language sign." Each non-English language sign shall contain thereon a generic description written in English, of the nature of such business, readable from the nearest public street.
- B. In all cases where a zoning sign permit, sign erection permit, or other sign permit is required by this Code or other law, the applicant shall submit to the City a certification, executed under penalty of perjury under the laws of the State of California, containing an English language translation of all letters, symbols, or characters proposed to be displayed on the non-English language sign. An application for any such permit shall not be deemed to be complete unless and until the applicant has provided the certification required herein.
- C. The provisions of this section shall apply to signs meeting the criteria stated herein which are sought to be erected on or after September 6, 1989.

19.904.050 Prohibited Signs.

The following types of signs are prohibited:

- A. Any form of moving, oscillating, or rotating sign,
- B. Inflatable signs (other than forced cold-air inflatables),
- C. Portable signs, not including temporary signs which are otherwise permitted,
- D. Off-premises signs (billboards), not including temporary signs which are otherwise permitted,
- E. Roof signs.

19.904.060 Sign Plan Review for Special Areas.

Special areas exist within the City where a sign plan review by the Planning Commission shall be required prior to the issuance of any sign zoning compliance permit and the erection of any sign. The purpose of this review is to promote a sense of overall orderliness and attractiveness in the appearance of these special areas which is consistent in quality and style. The following special areas are designated for such sign plan review:

- A. Any integrated development in the commercial and industrial zones.

- B. Any property located in a redevelopment area.
- C. Any property located in the ECSP zone.
 - 1. Special sign criteria applies under separate documentation entitled "Beach Boulevard Entertainment Corridor Specific Plan" under Section V - Development Requirements, F. General Provisions, 8. Signs. Where this document refers to the sign regulations of this Division, the sign standards for commercial zones of Chapter 19.912 shall be applied to such reference.
 - 2. Any deviation from the criteria of this Division and the Beach Boulevard Entertainment Corridor Specific Plan may be considered via a conditional use permit application.
- D. Any property or area that the Planning Commission may determine to require a sign plan review during an approval process.

19.904.070 Zoning Review and Permits.

- A. All signs except those exempted by Section 19.904.080 shall be subject to the zoning compliance review procedure (Section 19.128.090). Any change in the face or copy appearing on any such sign, as well as the erection, alteration, or relocation of any such sign, is subject to this provision.
- B. A zoning compliance sign permit pursuant to Section 19.128.050 is required prior to the erection, alteration, or relocation of any sign subject to sign guidelines established in accordance with Section 19.904.060.
- C. The provisions of the Building Code shall be complied with prior to the erection, alteration, or relocation of any sign.

19.904.080 Permit-Exempt Signs.

The types of signs listed in this section shall be subject to the limitations provided herein and shall be exempt from the requirements for obtaining a zoning sign permit or zoning compliance review as called for in Section 19.904.070, and from the sign regulations of Chapters 19.908 through 19.916.

A. Public Signs, Warnings, and Notices.

- 1. Traffic and regulatory signs posted by the City, legal notices, railroad crossing, or warning signs,
- 2. Warning or trespass signs on private property. Each sign face area shall not be more than two square feet. Such signs shall be spaced at least one hundred feet apart unless a closer spacing is approved by the Director,
- 3. Public utility signs containing only warning or service information.

B. Directional Signs. Signs, for purposes of identifying entrances to and exits from an establishment, or giving other directional or warning information to pedestrian or vehicular traffic, shall be subject to the following limitations:

- 1. Free-standing signs shall be not more than 8 feet in height. Height and location of directional signs attached to a building shall be subject to the approval of the Director.

Division 9
Sign Regulations

- Buena Park Zoning Ordinance -

2. Each sign face area shall be not more than four square feet, unless a larger sign is approved by the Director for safety and traffic control purposes.

3. No other type of information shall be included except each entrance sign may contain, within not more than twenty-five percent of the sign face area, a logo or other identification of the establishment served.

C. Memorial Signs and Cornerstones. Memorial signs or tablets, cut into stone or formed of permanently installed incombustible material. Only the name of the building or site, and/or date shall be shown.

D. Residential Directory Signs. Directory sign for a residential building or group of buildings provided such sign does not face a street and is no greater than four square feet in area.

E. Professional Signs. Nameplate or identification sign for a professional establishment, attached to a commercial or institutional building. Each sign face area shall be not more than four square feet.

F. Bulletin Boards. Bulletin board for a public, charitable, or religious institution and located on the premises of the institution. There shall be only one such exterior bulletin board on each such premises. The sign area of such bulletin board shall be not more than twenty square feet.

G. Window Signs. Temporary window signs on the premises of a nonresidential use, advertising special items or events. The total sign face area of such signs on each window shall not exceed twenty percent of the area for each window. No such sign shall remain longer than thirty days.

H. Construction Signs. Temporary signs on construction projects or development sites identifying the owners, major tenants, architects, engineers, or contractors. Each such sign shall be neatly painted and not over thirty-two square feet in sign area.

I. Real Estate Signs.

1. Temporary signs advertising property for sale, lease, or rental, located on the property offered, subject to the following limitations:

a. Eight foot maximum height above grade,

b. **Residential property.** No more than one sign on each property offered except that a property which maintains a second street frontage on a major, primary, or secondary highway shall be permitted one additional sign; the maximum area of each sign shall be not more than six square feet.

c. **Nonresidential property.**

i. Where the total lineal street frontage is not more than one hundred twenty feet: Not more than one sign per street frontage; the maximum sign area of each sign shall be twenty square feet.

ii. Where the total lineal street frontage is in excess of one hundred twenty lineal feet: Not more than one sign per street frontage; the maximum sign area of each sign shall be thirty-two square feet.

d. No sign shall be directly or indirectly illuminated.

e. All such signs shall be removed either when escrow is closed or a transaction is otherwise completed, or when the property is removed from the market.

2. Open House Signing.

a. On-site Signing:

i. **Numerical Limitation:** Not more than four pennants of not more than three square feet each.

ii. Such pennants shall be permitted to be placed on the property where the open house is held. No such pennants shall be placed in center medians, over fences, or in areas not deemed permitted by this subsection.

iii. Such pennants are permitted only during periods when either the property owner or sales agent is present and are further subject to the following day and time restrictions:

aa. Tuesday, Wednesday, and Friday -- 9:00 a.m. to 2:00 p.m.

bb. Saturday and Sunday -- 11:00 a.m. to 6:00 p.m.

cc. No on-site pennants are permitted to be placed or present on any day or at any time other than as set forth in subsection (iii.aa) and (iii.bb) hereinabove.

iv. One (1) sign indicating that an open house is presently occurring shall be permitted in the front or side yard setback of the property being offered.

b. Off-site signing:

i. Numerical Limitation:

aa. Not more than two signs which direct attention to an open house, and where the sign area of each such sign does not exceed six square feet when placed at the intersection of two arterial streets or the intersection of an arterial street and a local street,

bb. Not more than one sign which directs attention to an open house, and where the sign area of each such sign does not exceed six square feet, when placed at the intersection of local streets.

ii. Such signs shall be permitted to be placed in parkway areas or tree wells only. No such signs shall be placed in center medians, over fences, or in areas not deemed permitted by this subsection.

iii. Such signs are permitted only during periods when either the property owner or sales agent is present and are further subject to the following day and time restrictions:

aa. Tuesday, Wednesday, and Friday -- 9:00 a.m. to 2:00 p.m.

bb. Saturday and Sunday -- 11:00 a.m. to 6:00 p.m.

iv. All such off-site signing shall conform to the provisions of Section 19.904.030 of this Code.

19.904.090 Real Estate Subdivision Signs.

Temporary signs advertising the sale of lots in a land subdivision may be located within the subdivision subject to the following limitations:

- A. Not more than two sign structures in each subdivision, with not more than two sign faces per structure. Each sign face shall not be more than sixty square feet.
- B. All such signs and structures shall be removed no later than twelve months after all required permits for such signs are issued.
- C. Cash bond in the amount of five hundred dollars for each sign structure shall be deposited with the City's Finance Director, such deposit to guarantee removal of the signs.

Chapter 19.908 Sign Standards for Residential Zones

Sections:

19.908.010 Signs in Residential Zones.

19.908.010 Signs in Residential Zones.

In addition to the general sign provisions of Chapter 19.904, the following types of signs are permitted in residential zones, subject to the limitations indicated:

A. Residential Subdivision Signs. For a single family or condominium residential subdivision, monument or wall signs may be permitted subject to the following criteria.

1. The subdivision shall consist of 10 or more lots with a neighborhood association or under a single ownership at the time of the application.
2. The sign(s) shall be for the sole purpose of identifying the subdivision, neighborhood, and/or neighborhood association.
3. The approved number, size, location, and design of the identification signs shall be determined through a sign plan review with the Planning Commission.

B. Multifamily Residential Identification Signs.

1. For complexes of 15 or fewer units, one monument or wall sign of 15 square feet maximum area shall be permitted for identification of the complex.
2. For complexes of more than 15 units, one 32 sq. ft. maximum area sign, either a monument or wall sign, shall be permitted per street frontage. Additionally a complex with a single street frontage in excess of 750 ft. may have a second 32 sq. ft. maximum sign located along that street frontage or on a wall facing that street.

C. Mobilehome Parks. For mobilehome parks in the RMH zone, separate sign provisions apply pursuant to Section 19.448.020 of Division 4.

D. Other Permitted Uses. For a church or educational institution, in addition to the permit-exempt bulletin board allowed under subsection F of Section 19.904.080, one monument sign and one wall sign, may be permitted for each street frontage, with a maximum total allowable sign area of thirty-two square feet. For any permitted incidental uses on the same lot, a maximum of one additional monument or wall sign

Division 9
Sign Regulations

- Buena Park Zoning Ordinance -

may be permitted with a total sign area not exceeding twenty square feet. A minimum 150 foot separation shall be provided between any ground signs along a street frontage.

E. Vision Clearance Area. Ground signs shall not be located within required vision clearance area adjacent to driveways, as defined under Section 19.336.030.

Chapter 19.912 Sign Standards for Commercial and Industrial Zones.

Sections:

19.912.010	General Provisions.
19.912.020	Sign Programs for Integrated Developments in Commercial Zones.
19.912.030	Signs for Integrated Retail Centers of 70 Acres.
19.912.040	Sign Programs for Integrated Developments in Industrial Zones.
19.912.050	Signs for Certain Uses.
19.912.060	Building Graphics and Murals.
19.912.070	Business and Industrial Park Monument Signs.
19.912.080	Signs Adjacent to Freeways.

19.912.010 General Provisions.

In addition to the general sign provisions of Chapter 19.904, the following sign standards of this Chapter shall apply to all signs in the commercial and industrial zones.

- A.** The following types of signs are permitted in commercial and industrial zones:
 - 1. Ground signs,
 - 2. Wall signs,
 - 3. Canopy signs,
 - 4. Display board signs (permanent panels for the posting of temporary notices or changeable messages),
 - 5. Electronic display board signs (permanent panels for the posting of electronically changeable notices or messages),
 - 6. Pennants, banners, and forced cold-air inflatable signs.
- B. Total Allowable Sign Area.** The total sign area of all signs permitted by this section for each development site, other than an integrated development or certain uses (as described in Section 19.912.050), shall not exceed the greater of:
 - 1. Two square feet per foot of building frontage, or

Division 9
Sign Regulations

- Buena Park Zoning Ordinance -

2. For any development, other than an integrated development, one-half square foot per foot of total street frontage.

C. Ground Signs.

1. **Number of Ground Signs.** There shall be not more than one ground sign structure on each lot, except where permitted under Section 19.912.050 for certain uses or for an integrated development under Sections 19.912.020, 19.912.030, and 19.912.040. If a lot has more than one street frontage and is not a corner lot, there may be one such sign for each street frontage which has both vehicular access and business frontage on a public street..

2. **Location of Ground Signs.**

- a. Any ground sign structure shall be located within the middle forty percent of the lot width and between the street frontage line and a main building or other center of activity for the establishment identified; except, for a corner lot, a ground sign structure may be located in the portion of the lot near the street intersection. Alternatively, a ground sign structure may be located nearer a side lot line than prescribed above when authorized under a conditional use permit.

- b. **Vision Clearance Area.** Ground signs may be located within required vision clearance area adjacent to driveways, as defined under Section 19.536.020, provided that the ground sign supports and sign cabinets do not obstruct sight between the heights of 2 feet and 7 feet.

3. **Height of Ground Signs.** The maximum height for a ground sign structure shall be twenty feet, with the following exceptions;

- a. For a ground sign adjacent to a freeway, as permitted under Section 19.912.080,

- b. For a ground sign for an integrated retail development, as permitted under Sections 19.912.030 and 19.912.040,

- c. For a ground sign fronting on a major or primary highway, as defined in the Buena Park General Plan, with a maximum height of thirty feet for any development when authorized under the conditional use procedure of Section 19.128.020.

4. The property address shall appear in minimum 8 inch high letters on all ground signs, to be illuminated and visible to the public and emergency vehicles.

D. Wall Signs.

1. **Number of Signs.** There shall be not be more than one wall sign for each building frontage; except, for each building frontage, there may be one additional wall sign containing a logo only. Also, in addition, for each public or service entrance to a building or use from a public alley or parking area, there may be one wall sign identifying such entrance.

2. A wall sign may be mounted on a fascia provided such sign shall not extend in a vertical plane beyond the limits of the fascia surface, except such sign may hang beneath and parallel to a fascia provided there is at least seven feet clearance from ground level.

3. A wall sign may be mounted on a mansard-type roof having a slope of seventy-five degrees or more from horizontal, provided the edges of such sign are boxed into the roof.

4. A wall sign shall project not more than one foot from the wall surface, fascia, or mansard-type roof upon which it is mounted.

5. A wall sign within the commercial zones shall not be painted directly on the building facade, unless authorized with a conditional use permit pursuant to Section 19.128.020.

E. Canopy Signs. There shall be not more than one canopy sign for each business frontage. Each such sign shall have not more than two sign faces. Each sign face area shall not exceed two square feet.

F. Display Board Signs.

1. There shall not be more than one display board sign for each establishment.

2. Any display board shall be firmly attached to a wall or supporting structure, and shall not extend above the nearest roof nor more than twenty feet above ground level. A wall-mounted display board sign is permitted in addition to the permitted number of wall signs. A display board sign may be mounted on a permitted ground sign structure, provided it meets the height and clearance requirements for ground signs. A display-board sign shall not be mounted on a freestanding structure which is additional to the permitted number of ground sign structures.

3. The face area of all display boards shall be included in the measurement of sign area and shall not exceed thirty percent of the total allowable sign area.

4. Display boards and the notices and messages posted thereon shall be maintained in a neat and safe condition.

G. Electronic Display Board Signs. An electronic display board sign may be permitted only for an integrated development in the commercial zones as limited under Section 19.912.020 with authorization under a conditional use permit as specified under Section 19.128.020.

H. Pennants, Banners, and forced cold-air Inflatable Signs.

1. Pennants, banners, and inflatable signs shall be displayed only in connection with grand openings or similar events for which prior notice has been given to the Director in writing. Displays of pennants and banners by any establishment shall be limited to a total of ninety days each calendar year. Displays of inflatable signs shall not exceed a total of thirty days in a calendar year. A longer period for pennants, banners and inflatables may be authorized under a conditional use permit pursuant to Section 19.128.020.

2. Any pennants or banners shall be suspended so as to maintain at least a seven foot clearance from ground level.

3. Each business establishment shall be limited to one banner per business frontage.

4. The time limit for banners of business establishments undergoing reconstruction, alterations, or remodeling may be approved for the period of

construction activity or a total of 180 days, whichever is less. The 180 day limit may be extended by the Director for extenuating circumstances.

19.912.020 Sign Program for Integrated Developments in Commercial Zones.

A. Prior to the issuance of any sign permit for an integrated development in the commercial zones, a sign program shall be reviewed and approved by the Planning Commission to enable zoning compliance review of individual signs within that development. The approved sign program shall specify the following criteria:

1. All details regarding locations, materials, colors, dimensions, etc., shall be specified on the sign plan submittal.
2. All signs shall be harmoniously integrated with the architecture of the development to which they pertain, including locations, materials, coloration, height, size, and shape, and said signs shall not detract from existing developments in the area.

B. Ground Signs for an Integrated Development.

1. **Allowable Ground Sign Area.** The total allowable amount of ground sign area for an integrated development shall be limited to the following formula:

$$\text{Sign Area} = 2 \text{ ft.} \times 30\% \text{ of building frontage.}$$

2. **Number of Ground Signs.**

- a. Except as permitted in subsection "b" below, there may be one ground sign structure for each street frontage which is at least three hundred feet in length, but in any case, at least one ground sign shall be permitted for an integrated development. Furthermore, If an integrated development has more than one street frontage and is not a corner lot, there may be one such sign for each street frontage which has both vehicular access and business frontage on a public street.

- b. One additional monument sign may be permitted for each use within an integrated development which solely occupies a separate structure abutting a public street and containing a minimum 3,000 sq. ft. in floor area.

3. **Height of Ground Signs.** For an integrated development, the maximum height for a ground sign structure shall be twenty feet, with the following exceptions:

- a. For an integrated retail development with a total floor area of more than 15,000 sq. ft., the maximum height for a ground sign structure shall be thirty feet.

- b. For a ground sign structure fronting on a major or primary highway, as designated in the Buena Park General Plan, the height may be increased to a maximum 30 feet when authorized under the conditional use procedure of Section 19.128.020.

4. Ground signs shall be designed to include all advertising within a single framework. Framework or poles shall be wrapped with masonry, wood, or metal to be compatible with the buildings on the site. Any add-on modules shall be confined to within the existing framework.

5. Any ground sign designed for the signing of more than 3 tenants shall include a permanent area for the listing of the leasing agent. No other temporary ground sign advertising space for rent or lease shall be permitted.

6. The property address shall appear in minimum 8 inch high letters on all ground signs, to be visible for the public and emergency vehicles.

C. Wall Signs for an Integrated Development.

1. **Allowable Wall Sign Area.** The allowable amount of wall sign area per tenant space shall be limited to the following formula:

Sign Area = 2 ft. X 70% of width (in feet) of the tenant business frontage, except, for a business frontage of less than 15 feet, a minimum of 20 square feet shall be permitted.

2. **Number of Wall Signs.** For an integrated development in which the individual tenants have no business frontage, the permitted number of wall signs for that development shall be the same as for a non-integrated development in Section 19.912.010. For other integrated developments, the number of wall signs shall be limited to one sign per tenant business frontage, with the following exceptions:

a. Upon a sign program approval, one wall sign may be permitted for each additional tenant wall facing a parking lot or street. Total sign area of all such wall signs shall be within the allowable wall sign area for that tenant space.

b. For a tenant space exceeding 30,000 sq. ft. in floor area, up to four additional wall signs may be permitted for the purpose of advertising goods or services offered. The area of all wall signs for such tenant shall be within the total allowable wall sign area for the tenant space. Furthermore, the additional signs permitted within this section shall be subordinate in area and size to a primary wall sign.

3. **Materials and Design.**

a. A wall sign shall not extend in length beyond 70% of any business frontage. For a business frontage of less than 15 feet, the wall sign may extend beyond this point, if a minimum 5 ft. separation is provided from any other wall sign.

b. All wall signs shall be uniform in size, shape, and construction.

c. All wall signs shall have a uniform background color and material, if applicable.

d. All trim details shall be uniform.

e. If applicable to the design or theme of an area, all lettering shall be uniform or compatible in shape and style.

f. All advertising copy shall be within the envelope framework.

D. Electronic Display Board Signs. For an integrated center in a commercial zone with a minimum total street frontage of 2,000 feet, an electronic display board sign may be authorized under a conditional use permit. The purpose for such authorization shall be to reduce the amount of allowable sign area for a ground sign which would otherwise be permitted by this Division.

19.912.030 Signs for Integrated Retail Centers of 70 Acres.

A. The following criteria is established for integrated retail developments which occupy a land area of 70 or more acres. For the purpose of this Section, "major anchor tenants" shall be defined as a single tenant which occupies 100,000 sq. ft. of minimum gross leasable floor area, or a multiple screen cinema complex.

B. No signs are permitted in such a center except as provided in Chapter 19.904 and this section.

C. The total sign area of all signs for the entire center shall not exceed two square feet per foot of building frontage.

D. Ground Signs.

1. One pylon sign identifying the retail center or major anchor tenants is permitted on each secondary street frontage of less than 2000 lineal feet.

2. A maximum of three pylon signs is permitted for any street frontage of 2000 or more lineal feet.

3. In addition to pylon signs, one additional monument sign is permitted for each free-standing building located within the center.

4. No pylon sign structure is permitted to exceed a height of 30 feet, except that a greater height may be considered under a conditional use permit application.

5. Monument signs associated with a free-standing building may not exceed a height of 8 feet, except that a greater height may be considered under a conditional use permit application.

6. Primary entry/exit drives may be provided with four feet maximum height decorative monument markers identifying the name of the retail center.

E. Wall Signs.

1. Except for free-standing pad buildings, one wall sign identifying the name of the business and one logo are permitted for each building wall for major anchor tenants only.

2. Additionally, one sign identifying the name of the center is permitted for each customer entry into the interior common areas of the center, which may be mounted on a wall or on an architectural feature which is integrated with and attached to the building. For the purposes of this Section only, such signs shall not be considered "roof" signs if they project above or are mounted on top of such a feature.

3. One wall sign and one logo identifying the business names of tenants within a free-standing pad building are permitted for each wall facing a street and for each wall facing the main center (Mall) building. One additional wall sign is permitted

for each customer entry on other walls which face a parking area, to identify such entries.

4. With the exception of the provisions of subsection F.2 for common area entry signs, wall signs may be mounted only on walls and parapets or on fascias and penthouses which have a slope of 25 degrees or more from horizontal. No signs shall extend above the top edge of any of these features.

5. One wall sign which provides street level identification of a customer entry into a major anchor tenant store or of a service bay entry for automotive-related uses is permitted for each customer entry or service bay. Each sign must not exceed 6 sq. ft. in area for an entry, nor 3 sq. ft. in area for a service bay.

6. All wall signs shall be compatible in style, light intensity, and color with signage for the rest of the center.

F. The provisions of Section 19.912.010 (E), (F), and (H) for canopy signs, display board signs, and pennants and banners, shall also apply to integrated retail centers of 70 or more acres. Likewise, the provisions of Chapter 19.904 shall apply to any such center except that notwithstanding the provisions of Section 19.912.010, electronic message word display ground signs may be permitted with a conditional use permit review and approval.

19.912.040 Sign Program for Integrated Developments in Industrial Zones.

A. Prior to the issuance of any sign permit for an integrated development in the industrial zones, a sign program shall be reviewed and approved by the Planning Commission to enable zoning compliance review of individual signs within that development. The sign program shall comply with the requirements of this section and specify the following criteria:

1. All details regarding locations, materials, colors, dimensions, etc., shall be specified on the sign plan submittal.

2. All signs shall be harmoniously integrated with the architecture of the development to which they pertain, including locations, materials, coloration, height, size and shape, and said signs shall not detract from existing developments in the area.

B. **Ground Signs for an Integrated Development.**

1. **Allowable Ground Sign Area.** The total allowable amount of ground sign area for an integrated development shall be limited to the following formula:

$$\text{Sign Area} = 2 \text{ ft.} \times 30\% \text{ of building frontage.}$$

2. **Number of Ground Signs.**

a. Except as permitted in subsection "b" below, there may be one ground sign structure for each street frontage which is at least three hundred feet in length, or, if other than a corner lot, there may be one such sign for each

street frontage which has both vehicular access and business frontage on a public street.

b. One additional monument sign may be permitted for each use within an integrated development which solely occupies a separate structure abutting a public street and containing a minimum 3,000 sq. ft. in floor area.

3. **Height of Ground Signs.** No ground sign structure shall exceed a height of twenty feet.

4. Ground signs shall be designed to include all advertising within a single framework. Framework or poles shall be wrapped with masonry, wood, or metal to be compatible with the buildings on the site. Any add-on modules shall be confined to within the existing framework.

5. Any ground sign designed for the signing of more than 3 tenants shall include a permanent area for the listing of the leasing agent. No other temporary ground sign advertising space for rent or lease shall be permitted.

6. The property address shall appear in minimum 8 inch high letters on all ground signs, to be visible for the public and emergency vehicles.

C. Wall Signs for an Integrated Development.

1. **Allowable Wall Sign Area.** The allowable amount of wall sign area per tenant space shall be limited to the following formula:

$$\text{Sign Area} = 1 \text{ ft.} \times 70\% \text{ of width (in feet) of the tenant business frontage.}$$

2. **Number of Wall Signs.** For an integrated development in which the tenants have no business frontage, the permitted number of wall signs shall be the same as in Section 19.912.010. For other integrated developments, the number of wall signs shall be limited to one sign per tenant business frontage.

3. **Materials and Design.**

a. A wall sign shall not extend in length beyond 70% of any business frontage.

b. A wall sign within a multi-tenanted development shall not be painted directly on the building facade, unless authorized by a comprehensive sign program approved by the Planning Commission.

c. All wall signs shall be uniform in size, shape, and construction.

d. All wall signs shall have a uniform background color and material, if applicable.

e. All trim details shall be uniform.

f. If applicable to the design or theme of the area, all lettering shall be uniform or compatible in shape and style.

g. All advertising copy shall be within the envelope framework.

19.912.050 Signs for Certain Uses.

The uses listed below and under Chapter 19.552 (Special Requirements for Certain Uses) have certain sign provisions other than the general sign provisions of this Chapter. Except where specifically noted otherwise under Chapter 19.552, all other sign provisions of this Chapter shall apply.

- A. Automobile Service Stations (See Section 19.552.050)
- B. Recycling Centers (See Section 19.552.080)

19.912.060 Building Graphics and Murals.

It is the purpose of this Section to permit building graphics (including the use of exposed neon) and murals which are appropriate in context, design, size, location, and color for the aesthetic enhancement of any development in the commercial and industrial zones. Building graphics and/or murals may be authorized with a conditional use permit when, in the view of the Director, such graphics and/or mural cannot be considered as an architectural element to a building's design under the site plan review process, and/or, such graphics and/or mural would be considered as a sign by interpretation of this Division. Authorization under this section would exempt such building graphics and murals from allowable sign area calculations. Such building graphics and murals shall be of general interest without direct advertising of businesses and/or services or products related to a business.

19.912.070 Business and Industrial Park Monument Signs.

For a business or industrial park, additional monument signs may be permitted with a sign plan review in addition to the number of ground signs and allowable sign area otherwise permitted in this Division, subject to the following criteria:

- A. The park shall consist of 5 or more buildings under a single ownership or a property management association at the time of the application.
- B. The park shall contain buildings which do not all have frontage on a major or primary highway, as defined in the Buena Park General Plan.
- C. The monument identification sign(s) shall be for the primary purpose of identifying the park. Identification of major tenants may be permitted under a sign plan review but such identification shall be subordinate to the overall design of the sign(s).
- D. The approved number, size, location, and design of the identification signs shall be determined through a sign plan review with the Planning Commission.

19.912.080 Signs Adjacent to Freeways.

Each nonresidential parcel within five hundred feet of a freeway right-of-way may have one sign oriented to freeway traffic. Such sign shall meet all requirements of Chapters 19.904 and 19.912 with the following exceptions and additional limitations:

- A. The message on such sign shall be limited to the name of one establishment or product located on the same site and one logo or trademark. There shall be no temporary or changeable messages.

Sign Regulations

- Buena Park Zoning Ordinance -

B. Where a lot abuts a freeway right-of-way line, such property line may be treated as a street frontage, in lieu of another street frontage of the same lot, for determining the permitted location of such sign, but for no other purpose.

C. The maximum height of a ground sign adjacent to a freeway shall be 30 feet, except that a greater height may be authorized with a conditional use permit pursuant to Section 19.128.020. As part of the conditional use permit request for a greater height, the sign height shall be balloon-tested for visibility and possible impact on surrounding properties and neighborhoods.

Chapter 19.916 Sign Standards for Open Space Zones

Sections:

19.916.010 Signs in Open Space Zones.

19.916.010 Signs in Open Space Zones.

- A.** In the OS Zone, no sign shall be permitted other than as provided in Chapter 19.904 or as shown on a site plan approved under a procedure provided under this Title. Any such approval shall be limited to the minimum signing necessary to the permitted use and shall be consistent with the open space character of the site and surrounding area.
- B.** In the OR Zone, in addition to signs permitted by Chapter 19.904, one ground sign shall be permitted for each street frontage. Each such sign shall have not more than two sign faces, and each sign face area shall not exceed two hundred square feet. No sign structure shall be more than twenty feet high.
- C.** The property address shall appear in minimum 8 inch high letters on all ground signs, to be illuminated and visible to the public and emergency vehicles.
- D.** In the open space zones, no sign shall be located in any vision clearance area adjacent to a driveway (as defined in Section 19.636.020), but permitted signs may be located in other required yards and open spaces.

Division 10 Temporary Uses and Special Permits

Chapter:

19.1004 Temporary Uses and Special Permits

Chapter 19.1004 Temporary Uses and Special Permits

Sections:

19.1004.010	Purpose and Intent.
19.1004.020	Temporary Use Permit.
19.1004.030	Application.
19.1004.040	Investigation.
19.1004.050	Action on Application by Director.
19.1004.060	Appeals.
19.1004.070	Revocation of Permit.
19.1004.080	Fees.

19.1004.010 Purpose and Intent.

The purpose of this Division is to provide a procedure by which certain specific temporary uses or certain specific permanent uses may be approved but may require special investigations or require that certain conditions be attached in order to preserve the public peace, health, safety, or welfare of the City or its inhabitants.

19.1004.020 Temporary Use Permit.

A. For the purpose of this Title, "temporary use" means an activity of less than thirty days in duration, unless indicated otherwise within this section.

B. No person shall operate and no business license shall be issued for any of the following temporary uses until a permit has been first obtained therefor in writing for such use pursuant to the provisions of this Chapter:

1. Antique, coin, stamp, gem, art shows, etc., within properly zoned and developed buildings,
2. Auctions,
3. Automobile rallies,
4. Carnival, circus and any related ride, booth or attraction or other device attractive to children,
5. Christmas tree sales, pumpkin sales,
6. Security facilities (including trailers) for pumpkin sales, Christmas tree sales, fireworks stands, etc.,
7. Special attractions within properly zoned and developed buildings,
8. Dog/cat shows,
9. Mobile health services/marketing surveys,
10. Special event sales in parking lots and/or private sidewalks, bake sales, rummage sales, etc., limited to not more than three consecutive days in duration, nor more than three events per calendar year,
11. Parades, marching bands/practice for and participation in,

12. Special promotions, parachute drop, hot air balloon rides, searchlights, etc., and
13. Public dances.

C. Temporary Trailers. Temporary trailers may be permitted for an office and/or storage use of a related existing use on a property under the following criteria.

1. For no more than 2 trailers and for a period not exceeding one year, the Director may authorize approval pursuant to the provisions of this Chapter.
2. For more than 2 trailers and/or a period exceeding one year, the Planning Commission may authorize approval under the conditional use permit procedure of Section 19.128.020.
3. This section shall not apply to temporary construction trailers and real estate offices which may be authorized under various other sections of this Title.

19.1004.030 Application.

An application, in form approved by the Director, shall be submitted to the Director a minimum of thirty (30) days prior to the inception date of the requested use. The application shall be signed and verified by the applicant and set forth the following:

- A. The name, address, and telephone number of the applicant,
- B. The name, address, and telephone number of employer, if any,
- C. The address and location where such activity is to be conducted,
- D. A brief description of the nature and amount of equipment or product to be used in such activity,
- E. A written acknowledgment from the property owner or his/her agent authorizing such activity,
- F. If activity is not within a permanent building, two sets of plot plans describing the location of the use, pedestrian and vehicular circulation in and around the subject area shall accompany the application,
- G. A personal description of the applicant, with evidence of the identity and any other information that the City deems necessary in order to properly evaluate the application.

19.1004.040 Investigation.

- A. The Director shall immediately forward copies of the application and any attachments to every City department which would or could be affected by such use.
- B. Each such department shall investigate and respond in writing to the Director with recommendations on the application.

19.1004.050 Action on Application by Director.

- A. Except as otherwise provided in this Co, or deny a permit. The Director shall have the right to refuse such permit if he or she determines that the granting of same or the conduct of the use will be contrary to the preservation of the public peace, health, safety, or welfare of the City or its inhabitants.
- B. If such permit is granted, the Director may impose such terms, conditions, and restrictions upon the operation and conduct of such business, not in conflict with any paramount law, as he or she may deem necessary or expedient to protect the public peace, health, safety, or welfare of the City or its inhabitants.

19.1004.060 Appeals.

Any applicant for such a permit who is denied a permit by the Director shall be entitled to appeal such decision to the Planning Commission by a written request filed with the Secretary to the Planning Commission within ten days of notification of the decision by the Director. Appeals shall be conducted and processed in accordance with Chapter 19.120 of Division I of this Title and shall be considered as an appeal from a decision of the Director pursuant to Section 19.120.010(B).

19.1004.070 Revocation of Permit.

Whenever it is determined that a use authorized hereunder is being or may be conducted in violation of the conditions of approval thereon, or in violation of this Code or other law or regulation applicable thereto, the Director may initiate revocation of the permit by giving three (3) days written notice to the permittee of a public hearing to be conducted by the Director. The decision on a proposed revocation shall be based upon the criteria set forth in Section 19.132.030(E). The decision of the Director shall be final unless appealed pursuant to Section 19.1004.060 hereof. Any order of revocation by the Director may be enforced pending the appeal.

19.1004.080 Fees.

Fees for the processing of applications and issuing permits pursuant to this Division shall be as set forth by resolution of the City Council.

Division 11 Property Maintenance and Use Standards

Chapters:

- 19.1104 Definitions and Applicability**
- 19.1108 Single Family Standards**
- 19.1112 Multifamily Standards**
- 19.1116 Commercial Standards**
- 19.1120 Industrial Standards**

Chapter 19.1104 Definitions and Applicability

Sections:

19.1104.010 Definitions and Applicability.

19.1104.010 Definitions and Applicability.

When used in this Division, the words, terms, and phrases defined in this Chapter shall have the meaning and construction given herein, except when used in a context which clearly indicates a different meaning or construction. Any word, term, or phrase not specifically defined herein but defined in Division I of this Title shall be given the meaning and construction set forth in said Division I.

Single Family.

"Single Family" means all property classified as "single family zones" pursuant to Section 19.104.040 (A.1) hereof, as the same may be amended from time to time and shall, additionally, mean and include all property actually used for single family residential purposes, notwithstanding the underlying zoning of the subject property.

Multifamily.

"Multifamily" means all property classified as "multifamily zones" pursuant to Section 19.104.040 (A.2) hereof, as the same may be amended from time to time and shall, additionally, mean and include all property actually used for multifamily residential purposes, notwithstanding the underlying zoning of the subject property.

Commercial.

"Commercial" means all property classified as "commercial zones" pursuant to Section 19.104.040 (B) and "special zone" pursuant to Section 19.104.040 E hereof, as the same may be amended from time to time and shall, additionally, mean and include all property actually used for such commercial or special zone purposes, notwithstanding the underlying zoning of the subject property.

Industrial.

"Industrial" means all property classified as "industrial zones" pursuant to Section 19.104.040 (C) hereof, as the same may be amended from time to time and shall, additionally, mean and include all property actually used for industrial purposes, notwithstanding the underlying zoning of the subject property.

Chapter 19.1108 Single Family Standards

Sections:

19.1108.010	Scope.
19.1108.020	Storage - Front Yard and Side Yard abutting a Street.
19.1108.030	Storage - Side Yard, not abutting a Street.
19.1108.040	Storage - Rear Yard.
19.1108.050	Motor Vehicle Parking.
19.1108.060	(Reserved)
19.1108.070	Building Maintenance.
19.1108.080	Landscape Maintenance.
19.1108.090	Fence and Wall Maintenance.

19.1108.010 Scope.

The standards specified in this Chapter shall govern all lots or parcels within the City designated as single family.

19.1108.020 Storage - Front Yard and Side Yard abutting a Street.

A. The entire front yard and side yard abutting a street shall be kept and maintained free and clear of all construction and automotive materials or parts, trash, refuse, debris, trash storage receptacles, inoperative motor vehicles, discarded or broken materials, appliances, furniture, junk, equipment, or similar materials.

B. Notwithstanding the provisions of subsection A, above, emergency or minor repairs of a motor vehicle owned by a person residing upon the lot or parcel may be conducted on an otherwise inoperative motor vehicle upon a paved driveway or paved parking area provided, however, that such emergency or minor repair shall be concluded within 72 hours of the commencement thereof.

C. Notwithstanding the provisions of subsections A and B above, a side yard abutting a street shall be treated the same as a rear yard, so long as the side yard abutting a street is screened by an approved wall or fence.

19.1108.030 Storage - Side Yard, not abutting a Street.

A. All storage of materials including, but not limited to, trash and trash receptacles, newspapers, building and automotive materials, landscape maintenance tools, equipment, debris, inoperative motor vehicles, camper shells not mounted on motor vehicles or boats and trailers within side yards shall be screened by approved walls, fences, storage buildings, and/or landscaping materials from view from abutting property, public and private streets, and public and private rights-of-way. A pedestrian access way shall be maintained within one side yard on a property.

B. All storage within the side yard shall be kept and maintained free of weeds, overgrown grass, debris, litter, or any combination thereof.

19.1108.040 Storage - Rear Yard.

A. All storage of materials including, but not limited to, trash and trash receptacles, newspapers, building and automotive materials, landscape maintenance tools, equipment, debris, inoperative motor vehicles, camper shells not mounted on motor vehicles or boats and trailers within rear yards shall be screened by approved walls, fences, storage buildings, and/or landscaping materials from view from abutting property, public and private streets, and public and private rights-of-way.

B. Any materials stored, kept, or maintained pursuant to subparagraph A shall not cover an area greater than fifty percent (50%) of the total square footage of the rear yard.

C. All storage within the rear yard shall be kept and maintained free of debris, litter, or any combination thereof.

19.1108.050 Motor Vehicle Parking.

A. All parking of motor vehicles on a single family lot or parcel shall occur within a garage, or carport, or upon an approved driveway, or other allowed paved parking area within the front yard, or within the side yard or rear yard. If parked in a side yard, a pedestrian access way shall be maintained on one side yard.

B. No person shall park or store any commercial vehicle, commercial trailer or related commercial equipment upon any single family lot or parcel except commercial automobiles, pickup trucks, panel delivery trucks, and station wagons which do not exceed a gross weight of three (3) tons (unladen) and provided that no more than two such vehicles may be parked on any such lot or parcel.

19.1108.070 Building Maintenance.

All buildings, structures, and paved areas within any lot or parcel designated as single family shall be kept and maintained in a manner so as to not detract from the appearance of the immediate neighborhood and to protect the health, safety, and welfare of the user, occupant, and the general public. All such buildings, structures, and paved areas shall be deemed substandard and in violation of this section when any or all of the same display evidence of dilapidated conditions including, but not limited to, the following:

A. Faulty, sagging, or leaking roof or roofs.

B. Substantial areas of deteriorated building siding materials including, but not limited to, dry rot, termite infestation, dented or rusting metal siding, broken or missing pieces of stucco, or other siding materials.

C. Broken or missing windows.

D. Inadequate site drainage and/or standing water adjacent to building foundations.

E. Broken or inoperable sanitary and plumbing facilities and/or fixtures.

F. Broken or missing foundation.

G. Broken, torn, or missing attic vent screens.

H. Broken, ripped, or torn window screens.

I. Structural defects such as warped, bowed, or sagging structural members including, but not limited to, headers, sills, beams, eaves, doorways, doorjambs, and similar structural or architectural elements.

J. Holes in siding areas.

19.1108.080 Landscape Maintenance.

All landscaped areas within any lot or parcel designated as single family shall be kept and maintained in a manner so as not to detract from the appearance of the immediate neighborhood and to protect the health, safety, and welfare of the user, occupant, and general public. Landscaped areas shall be kept in a neat and clean condition, free of weeds, debris and dead, diseased or dying

vegetation, and broken or defective decorative elements of the landscaped area. Vegetation in landscaped areas shall be mowed, groomed, trimmed, pruned, and watered as to keep the same in a healthy, growing condition. Irrigation systems shall be kept in good working condition and repair so as to prevent leaks, or create public health hazards.

19.1108.090 Fence and Wall Maintenance.

All fences and walls upon any lot or parcel designated as single family shall be kept and maintained in a manner so as not to detract from the appearance of the immediate neighborhood and to protect the health, safety, and welfare of the user, occupant, and general public. All such fences and walls shall be deemed substandard and in violation of this section when any or all of the same display evidence of dilapidated conditions including, but not limited to, the following:

- A. Sagging, broken, rotted, or defective support posts or other structural members.
- B. Missing or broken fence boards.
- C. Damaged or missing blocks from a block wall.
- D. Substantial areas of deterioration including dry rot, broken or missing pieces of stucco, holes, or warped or leaning fence or wall areas.
- E. Chain link fence material which is damaged or broken.
- F. Height extensions of walls or fences in violation of the Buena Park Zoning Ordinance.

Division 11
Property Maintenance and Use Standards
-Buena Park Zoning Ordinance-

Chapter 19.1112 Multifamily Standards

Sections:

19.1112.010	Scope.
19.1112.020	Storage - Yards.
19.1112.030	Storage - Garage and Carports.
19.1112.040	Motor Vehicle Parking.
19.1112.050	(Reserved)
19.1112.060	Building Maintenance.
19.1112.070	Landscape Maintenance.
19.1112.080	Fence and Wall Maintenance.
19.1112.090	Maintenance of Parking and Similar Areas.

19.1112.010 Scope.

The standards specified in this Chapter shall govern all lots or parcels within the City designated as multifamily.

19.1112.020 Storage - Yards.

A. All front, side, and rear yards, including side yards abutting a street, shall be kept and maintained free and clear of all construction and automotive materials or parts, trash, refuse, debris, trash storage receptacles, inoperative motor vehicles, boats, trailers, camper shells not mounted on motor vehicles, discarded or broken materials, appliances, furniture, junk, equipment or similar materials. All rubbish, trash, and debris shall only be kept within approved trash enclosure(s).

B. Notwithstanding the provisions of subsection A, above, emergency or minor repairs of a motor vehicle owned by a person residing upon the lot or parcel may be conducted on an otherwise inoperative motor vehicle within a paved parking area provided, however, that such emergency or minor repair shall be concluded within 72 hours of the commencement thereof.

19.1112.030 Storage - Garage and Carports.

No storage of materials including, but not limited to, trash and trash receptacles, newspapers, building and automotive materials, landscape maintenance tools, equipment, debris, inoperative motor vehicles, camper shells not mounted on motor vehicles or boats and trailers shall be permitted within any garage or carport so as to restrict the parking of an operative motor vehicle in the required parking spaces.

19.1112.040 Motor Vehicle Parking.

A. All parking of motor vehicles on a multifamily lot or parcel shall occur within a garage or carport or upon an approved paved parking area.

B. No person shall park or store any commercial vehicle, commercial trailer, or related commercial equipment upon any multifamily lot or parcel except commercial automobiles,

pickup trucks, panel delivery trucks, and station wagons which do not exceed a gross weight of three (3) tons (unladen).

19.1112.060 Building Maintenance.

All buildings and structures within any lot or parcel designated as multifamily shall be kept and maintained in a manner so as to not detract from the appearance of the immediate neighborhood and to protect the health, safety, and welfare of the user, occupant, and the general public. All such buildings or structures shall be deemed substandard and in violation of this section when any or all of the same display evidence of dilapidated conditions including, but not limited to, the following:

- A. Faulty, sagging, or leaking roof or roofs.
- B. Substantial areas of deteriorated building siding materials including, but not limited to, dry rot, termite infestation, dented or rusting metal siding, broken or missing pieces of stucco, or other siding materials.
- C. Broken or missing windows.
- D. Inadequate site drainage and/or standing water adjacent to building foundations.
- E. Broken or inoperable sanitary and plumbing facilities and/or fixtures.
- F. Broken or missing foundation.
- G. Broken, torn, or missing attic vent screens.
- H. Broken, ripped, or torn window screens.
- I. Structural defects such as warped, bowed, or sagging structural members including, but not limited to, headers, sills, beams, eaves, doorways, doorjamb, and similar structural or architectural elements.
- J. Holes in siding areas.

19.1112.070 Landscape Maintenance.

All landscaped areas within any lot or parcel designated as multifamily shall be kept and maintained in a manner so as not to detract from the appearance of the immediate neighborhood and to protect the health, safety, and welfare of the user, occupant, and general public. Landscaped areas shall be kept in a neat and clean condition, free of weeds, debris and dead, diseased or dying vegetation, and broken or defective decorative elements of the landscaped area. Vegetation in landscaped areas shall be mowed, groomed, trimmed, pruned, and watered as to keep the same in a healthy, growing condition. Irrigation systems shall be kept in good working condition and repair so as to prevent leaks, or create public health hazards.

19.1112.080 Fence and Wall Maintenance.

All fences and walls upon any lot or parcel designated as multifamily shall be kept and maintained in a manner so as not to detract from the appearance of the immediate neighborhood and to protect the health, safety, and welfare of the user, occupant, and general public. All such fences and walls shall be deemed substandard and in violation of this section when any or all of the same display evidence of dilapidated conditions including, but not limited to, the following:

- A. Sagging, broken, rotted, or defective support posts or other structural members.
- B. Missing or broken fence boards.
- C. Damaged or missing blocks from a block wall.
- D. Substantial areas of deterioration including dry rot, broken or missing pieces of stucco, holes, or warped or leaning fence or wall areas.
- E. Chain link fence material which is damaged or broken.
- F. Height extensions of walls or fences in violation of the Buena Park Zoning Ordinance.

19.1112.090 Maintenance of Parking and Similar Areas.

All parking, loading, storage, driveway, and vehicle maneuvering areas within any lot or parcel designated as multifamily shall be kept and maintained so as to not detract from the appearance of the immediate neighborhood and to protect the health, safety, and welfare of the user, occupant, and general public. Such areas shall be kept in a neat and clean condition, free of

Division 11
Property Maintenance and Use Standards
-Buena Park Zoning Ordinance-

inoperative vehicles, abandoned items, trash, debris or rubbish, and free of potholes, sinkholes, standing water, cracks, and/or broken areas. Parking space delineation, pavement striping and related features, and signs shall be repainted, refurbished, and/or replaced when the same become faded, damaged or destroyed to such an extent as to no longer be effective. Such areas shall, further, be periodically resurfaced or sealed in order to minimize seepage of water through such areas into the ground below such areas.

Division 11
Property Maintenance and Use Standards
-Buena Park Zoning Ordinance-

11.01.010 Purpose and Intent

11.01.020 Land Use Standards

The purpose of this division is to establish minimum standards for the use of land and buildings within the City of Buena Park. These standards are intended to protect the health, safety, and general welfare of the community by ensuring that land is used in a manner that is consistent with the City's Comprehensive Zoning Ordinance. The standards in this division apply to all land within the City, except as otherwise provided.

11.01.030 Fence and Wall Standards

A fence or wall is any structure, other than a building, that is used to enclose or restrict access to a property. Fences and walls are subject to the following standards:

1. Fences and walls must be constructed of a material that is durable and capable of withstanding the elements.
2. Fences and walls must be at least four feet high.
3. Fences and walls must be set back from the street by at least five feet.
4. Fences and walls must be maintained in good condition at all times.

11.01.040 Storage in Yard

Storage in the yard is the storage of any item, other than a building, that is used for the storage of goods, materials, or equipment. Storage in the yard is subject to the following standards:

1. Storage in the yard must be in a structure that is at least six feet high and has a roof.
2. Storage in the yard must be set back from the street by at least ten feet.
3. Storage in the yard must be maintained in good condition at all times.
4. Storage in the yard must not be used for the storage of hazardous materials.

5. Storage in the yard must not be used for the storage of vehicles.
6. Storage in the yard must not be used for the storage of waste.
7. Storage in the yard must not be used for the storage of flammable or volatile liquids.
8. Storage in the yard must not be used for the storage of explosives or other dangerous materials.
9. Storage in the yard must not be used for the storage of animals.
10. Storage in the yard must not be used for the storage of any other items that are prohibited by law.

Chapter 19.1116 Commercial Standards

Sections:

19.1116.010	Scope.
19.1116.020	Storage in Yards.
19.1116.030	Motor Vehicle Parking.
19.1116.040	Building Maintenance.
19.1116.050	Landscape Maintenance.
19.1116.060	Fence and Wall Maintenance.
19.1116.070	Maintenance of Parking and Similar Areas.

19.1116.010 Scope.

The standards specified in this Chapter shall govern all lots or parcels within the City designated as commercial.

19.1116.020 Storage in Yards.

All storage within yard areas approved by the City or permitted by the Zoning Ordinance shall be maintained in a neat and orderly fashion and shall contain only items and/or vehicles incidental to the business, or owned by the business or owner of the business.

19.1116.030 Motor Vehicle Parking.

All parking of motor vehicles on a commercial lot or parcel shall occur within a garage or carport or upon an approved paved parking area.

19.1116.040 Building Maintenance.

All buildings and structures within any lot or parcel designated as commercial shall be kept and maintained in a manner so as to not detract from the appearance of the immediate neighborhood and to protect the health, safety, and welfare of the user, occupant, and the general public. All such buildings or structures shall be deemed substandard and in violation of this section when any or all of the same display evidence of dilapidated conditions including, but not limited to, the following:

- A.** Faulty, sagging, or leaking roof or roofs.
- B.** Substantial areas of deteriorated building siding materials including, but not limited to, dry rot, termite infestation, dented or rusting metal siding, broken or missing pieces of stucco, or other siding materials.
- C.** Broken or missing windows.
- D.** Inadequate site drainage and/or standing water adjacent to building foundations.
- E.** Broken or inoperable sanitary and plumbing facilities and/or fixtures.
- F.** Broken or missing foundation.
- G.** Broken, torn, or missing attic vent screens.
- H.** Broken, ripped, or torn window screens.
- I.** Structural defects such as warped, bowed, or sagging structural members including, but not limited to, headers, sills, beams, eaves, doorways, doorjamb, and similar structural or architectural elements.

J. Holes in siding areas.

19.1116.050 Landscape Maintenance.

All landscaped areas within any lot or parcel designated as commercial shall be kept and maintained in a manner so as not to detract from the appearance of the immediate neighborhood and to protect the health, safety, and welfare of the user, occupant, and general public. Landscaped areas shall be kept in a neat and clean condition, free of weeds, debris and dead, diseased or dying vegetation, and broken or defective decorative elements of the landscaped area. Vegetation in landscaped areas shall be mowed, groomed, trimmed, pruned, and watered as to keep the same in a healthy, growing condition. Irrigation systems shall be kept in good working condition and repair so as to prevent leaks, or create public health hazards.

19.1116.060 Fence and Wall Maintenance.

All fences and walls upon any lot or parcel designated as commercial shall be kept and maintained in a manner so as not to detract from the appearance of the immediate neighborhood and to protect the health, safety, and welfare of the user, occupant, and general public. All such fences and walls shall be deemed substandard and in violation of this section when any or all of the same display evidence of dilapidated conditions including, but not limited to, the following:

- A. Sagging, broken, rotted, or defective support posts or other structural members.
- B. Missing or broken fence boards.
- C. Damaged or missing blocks from a block wall.
- D. Substantial areas of deterioration including dry rot, broken or missing pieces of stucco, holes, or warped or leaning fence or wall areas.
- E. Chain link fence material which is damaged or broken.
- F. Height extensions of walls or fences in violation of the Buena Park Zoning Ordinance.

19.1116.070 Maintenance of Parking and Similar Areas.

All parking, loading, storage, driveway, and vehicle maneuvering areas within any lot or parcel designated as commercial shall be kept and maintained so as to not detract from the appearance of the immediate neighborhood and to protect the health, safety, and welfare of the user, occupant, and general public. Such areas shall be kept in a neat and clean condition, free of inoperative vehicles, abandoned items, trash, debris or rubbish, and free of potholes, sinkholes, standing water, cracks, and/or broken areas. Parking space delineation, pavement striping, and related features and signs shall be repainted, refurbished, and/or replaced when the same become faded, damaged, or destroyed to such an extent as to be no longer effective. Such areas shall, further, be periodically resurfaced or sealed in order to minimize seepage of water through such areas into the ground below such areas.

Chapter 19.1120 Industrial Standards

Sections:

19.1120.010	Scope.
19.1120.020	Storage in Yards.
19.1120.030	Motor Vehicle Parking.
19.1120.040	Building Maintenance.
19.1120.050	Landscape Maintenance.
19.1120.060	Fence and Wall Maintenance.
19.1120.070	Maintenance of Parking and Similar Areas.

19.1120.010 Scope.

The standards specified in this Chapter shall govern all lots or parcels within the City designated as industrial.

19.1120.020 Storage in Yards.

All storage within yard areas approved by the City or permitted by the Zoning Ordinance shall be maintained in a neat and orderly fashion and shall contain only items and/or vehicles incidental to the business, or owned by the business or owner of the business.

19.1120.030 Motor Vehicle Parking.

All parking of motor vehicles on an industrial lot or parcel shall occur upon an approved paved parking area.

19.1120.040 Building Maintenance.

All buildings and structures within any lot or parcel designated as industrial shall be kept and maintained in a manner so as to not detract from the appearance of the immediate neighborhood and to protect the health, safety, and welfare of the user, occupant, and the general public. All such buildings or structures shall be deemed substandard and in violation of this section when any or all of the same display evidence of dilapidated conditions including, but not limited to, the following:

- A.** Faulty, sagging, or leaking roof or roofs.
- B.** Substantial areas of deteriorated building siding materials including, but not limited to, dry rot, termite infestation, dented or rusting metal siding, broken or missing pieces of stucco, or other siding materials.
- C.** Broken or missing windows.
- D.** Inadequate site drainage and/or standing water adjacent to building foundations.
- E.** Broken or inoperable sanitary and plumbing facilities and/or fixtures.
- F.** Broken or missing foundation.
- G.** Broken, torn, or missing attic vent screens.
- H.** Broken, ripped, or torn window screens.
- I.** Structural defects such as warped, bowed, or sagging structural members including, but not limited to, headers, sills, beams, eaves, doorways, doorjamb, and similar structural or architectural elements.

J. Holes in siding areas.

19.1120.050 Landscape Maintenance.

All landscaped areas within any lot or parcel designated as industrial shall be kept and maintained in a manner so as not to detract from the appearance of the immediate neighborhood and to protect the health, safety, and welfare of the user, occupant, and general public. Landscaped areas shall be kept in a neat and clean condition, free of weeds, debris and dead, diseased or dying vegetation, and broken or defective decorative elements of the landscaped area. Vegetation in landscaped areas shall be mowed, groomed, trimmed, pruned, and watered as to keep the same in a healthy, growing condition. Irrigation systems shall be kept in good working condition and repair so as to prevent leaks, or create public health hazards.

19.1120.060 Fence and Wall Maintenance.

All fences and walls upon any lot or parcel designated as industrial shall be kept and maintained in a manner so as not to detract from the appearance of the immediate neighborhood and to protect the health, safety, and welfare of the user, occupant, and general public. All such fences and walls shall be deemed substandard and in violation of this section when any or all of the same display evidence of dilapidated conditions including, but not limited to, the following:

- A. Sagging, broken, rotted, or defective support posts or other structural members.
- B. Missing or broken fence boards.
- C. Damaged or missing blocks from a block wall.
- D. Substantial areas of deterioration including dry rot, broken or missing pieces of stucco, holes, or warped or leaning fence or wall areas.
- E. Chain link fence material which is damaged or broken.
- F. Height extensions of walls or fences in violation of the Buena Park Zoning Ordinance.

19.1120.070 Maintenance of Parking and Similar Areas.

All parking, loading, storage, driveway, and vehicle maneuvering areas within any lot or parcel designated as industrial shall be kept and maintained so as to not detract from the appearance of the immediate neighborhood and to protect the health, safety, and welfare of the user, occupant, and general public. Such areas shall be kept in a neat and clean condition, free of inoperative vehicles, abandoned items, trash, debris, or rubbish, and free of potholes, sinkholes, standing water, cracks, and/or broken areas. Parking space delineation, pavement striping and related features and signs shall be repainted, refurbished, and/or replaced when the same become faded, damaged, or destroyed to such an extent as to no longer be effective. Such areas shall, further, be periodically resurfaced or sealed in order to minimize seepage of water through such areas into the ground below such areas.

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